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# CIVIL SERVICE IN INDIA UNDER THE EAST INDIA COMPANY

A STUDY IN ADMINISTRATIVE DEVELOPMENT

*(Thesis Approved for the Degree of Doctor of Philosophy  
of the University of London)*

BY

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## PREFACE

The present work is mainly the outcome of two years' study at the London School of Economics and Political Science and is based on a thesis submitted for the Ph.D. degree of the University of London in 1940. The thesis had to be completed under limitations of time and, latterly, of material also, due to the outbreak of the war. One chapter, *viz.* Chapter VIII, was added after my return to India, and the thesis was also retouched in parts.

This work is the first part of a more comprehensive one projected on the subject of Civil Service in India. It purports to form the historical background which is essential to the study of political institutions in a country. The process of development of the Civil Service in India has been evolutionary. While that makes an historical approach essential, the subject has been treated chiefly as it would interest a student of public administration. Wherever possible, the different stages in the growth of the Civil Service and their characteristic features have been explained in terms of the principles of public administration, and statements of tendencies and conclusions have been supported by documents.

The work is mainly based, particularly as far as the earlier period is concerned, on manuscript records preserved in the archives of the India Office. Use has also been made of printed material in the shape of Parliamentary Papers, official publications, journals and published works of other authors, of which acknowledgement has been made in footnotes.

In classifying the subject-matter under different periods regard has been had more to the distinctive features of the Company in each of the periods

than to strict chronology. Naturally, no attempt has been made to confine each period rigidly within distinct dates. For instance, the first of these periods relates to the purely mercantile stage of the Service when the distinction between its two branches—Civil and Military—first arose. The next period dealt with represents the reaction of the Civil Service in the shape of abuses and malpractices in its ranks to the Company's accession to political power for the first time. Next comes the process of the transformation of the Company's Civil Service from a merely mercantile one to a regular administrative service. The foundation of a Civil Service in the modern sense of the term as also of the British Empire in India was mainly the work of two distinguished administrators—Hastings and Cornwallis. Naturally the reforms made by these two great administrators have been the subject of searching analysis. The systematic education and training of the civil servants of the Company initiated by Wellesley, marking a recognition of the change in the character of the Civil Service from a mercantile to an administrative body, is next discussed. By the first quarter of the nineteenth century the Company had consolidated its position as a territorial sovereign and the paramount power in India. The Charter Act of 1833, by putting an end to the commercial activities of the Company, registered the fact. The consciousness of its new responsibilities was borne in upon the Company, and it set about adjusting its administrative organisation to its new position. Our survey ends with the last phase of the development of the service and an account of its organisation as it stood on the eve of the demise of the Company and the transfer of its administrative responsibility to the Crown. In the concluding Chapter some general observations have been attempted on the basis of the whole survey made in the preceding Chapters.

It is my pleasant duty here to acknowledge my debt to all those who have directly or indirectly helped me in the preparation and publication of the work. It is indeed delicate to select a few for special mention when one's indebtedness is to many. If I mention only some by name, that should not be taken to mean that I am not obliged to others. To Dr. H. Finer under whom mainly I worked at the London School, and Prof. H. J. Laski who supervised my work for one term in the absence of Dr. Finer, I am deeply indebted not only for their careful guidance and very valuable suggestions but also for the personal and friendly interest they took in all my affairs during my stay in England which proved a source of inspiration and encouragement to me and enabled me to complete the work in the face of heavy odds. My debt to previous writers from whose books I have quoted, I trust, has been duly acknowledged in the footnotes and the bibliography. I should add, however, that I take full responsibility for any interpretations that I may have put upon their opinions. The labour of collecting material for the work was very much simplified and facilitated by the constant and ungrudging assistance I received from Mr. W. T. Ottewill, the Superintendent of India Office Records, and the staff of the India Office Library, the Libraries of the London School of Economics, of the Office of the High Commissioner for India and the University of Cambridge. I must thank the authorities of the University of Calcutta for undertaking the publication of this book in these difficult times. But for their generous offer, its publication might not have been possible, or at any rate would have been indefinitely held up. I should be failing in my duty if I did not also express here my deep sense of gratitude to Dr. Syamaprasad Mookerjee for the interest he has uniformly taken in the publication of the work. My thanks are also due to the



staff, of the Calcutta University Press for having accommodated me at every stage of its printing. I am particularly grateful to the High Commissioner for India for the pecuniary assistance in the shape of a grant of £100 which facilitated my work in England by relieving the financial strain caused by the war. Among friends in England who encouraged me in the midst of various difficulties I must mention Mr. G. H. Langley, formerly Vice-Chancellor of the University of Dacca and Mr. P. K. Dutt of the Office of the High Commissioner for India. The former was kind enough to go through some chapters of the thesis and offer some helpful suggestions. I cannot find adequate words for expressing my gratitude to Dr. S. N. Roy, Head of the Department of English of the University of Dacca, who, in spite of so many calls on his time, cheerfully volunteered his services in going through the proofs. I have benefited immensely by his very valuable suggestions at every stage in the course of its publication. To Messrs. J. N. Chowdhury, P. K. Guha and S. K. Chatterji also of the same Department, I am obliged for the help given occasionally in looking through the proofs. Finally, I should also thank Mr. D. N. Banerji, Head of the Department of Political Science, who has constantly helped me with his advice and suggestions. A word of explanation is perhaps needed for the undue delay in the publication of the book. This is due to the fact that after the major portion of the book had been printed off, work had to be suspended for over a year owing to scarcity of paper.

THE UNIVERSITY,  
RAMNA, DACCA,  
MAY 27, 1944.

**Akshoy Kumar Ghoshal**

## CHAPTER I

### INTRODUCTORY

#### *Importance of the Subject*

A study of the development of the civil service in India hardly requires apology, particularly at the present time when India is engaged in a crucial experiment with a new form of government. The importance of the place occupied by the civil service in the polity of all modern states needs perhaps no special emphasis. Its importance is all the greater in India, because, up to the present time, India, or to be more precise, British India, has been for all practical purposes governed under a bureaucratic or quasi-bureaucratic form of government, in other words, by the civil services. At the top of the hierarchy stands what has come to be known as the 'Indian Civil Service'—consisting of a little over a thousand officers forming a *corps d'élite*, once described by Mr. Lloyd George not very incorrectly as the 'steel-frame' of the Indian administration. Not so long ago, this service constituted both the 'government' and the 'administration' or both the policy-framing and the executive body. Under the new order, however, the position of not only the 'Indian Civil Service' but the 'civil services' as well requires a readjustment, if they are not to prove misfits in the new scheme of things. This cannot be achieved merely by conforming to legal forms and meticulous observance of correct rules of procedure. They have to enter into the spirit of a reformed constitution and this requires what may be called a 'historical sense.' It is a commonplace to students of political science that political institutions everywhere have their roots deep in the past.

They are not invented as a mere exercise in ratiocination and fancy, but grow in response to changing needs of the society in which they function. This is true of the civil service of India and to appraise its proper status in the new polity, a study of its origin and development against the background of the social and political forces that have brought it to its present state is essential. It is in this context that an attempt will be made in the following chapters to study the development of the civil service in India from its early origins.

*‘ Civil Services ’ and the ‘ Indian Civil Service ’*

A distinction has been suggested above between the ‘ civil services ’ of India and the ‘ Indian Civil Service.’ It is necessary to clarify the distinction a bit, because it is a little more deep-seated than a distinction between a generic and a specific term. The term ‘ Indian Civil Service ’ has acquired a more technical meaning than its counterpart in countries like Great Britain, France, or U.S.A., due to the peculiar history of its development. The term is of comparatively recent origin, having come into currency during the past half a century or so. Before that, a distinction was loosely made between the ‘ covenanted ’ or superior services, the members of which had to enter into covenants with the Company subjecting them to various restrictions and the ‘ uncovenanted ’ or subordinate services, the members of which had not to subscribe to any such covenant on appointment, because their responsibilities were not very great. The distinction further roughly corresponded with racial alignments, the former having been usually the preserve of Europeans and the latter of the natives of the country. Within each division no classification was made—as now—according to functions discharged. It was on the recommendations of the Indian

Public Service Commission of 1886-87 that the two services were split into three distinct divisions at different levels of responsibility—(a) Imperial, (b) Provincial, and (c) Subordinate, each of them again being organised into different units on the basis of duties and functions, such as Civil service, Police service, Educational service, Forest service, and so on. The Imperial services were organised on an All-India basis, while the other two on a provincial basis. The ‘Indian Civil Service’ as well as the Provincial services was concerned with general administration as distinguished from the specialised services occupied with particular branches. The members of the Indian Civil Service posted in the districts throughout the country exercised a general oversight and control over the whole field of administration, while their compeers at the headquarters of the provinces or at Delhi or Simla controlled the policy of administration, even the Governors of the provinces except of the three presidencies being appointed from among them. Thus it would perhaps not be an exaggeration to say that until recently India was governed by the ‘Indian Civil Service’ and we have not had its exact counterpart anywhere else in the world. It forms as it were the centre-piece and the prime-mover of the whole system of public services.

### *Scope of the Work*

At the beginning of British rule, as we observe later in the text, the Company’s service was more or less homogeneous and undifferentiated, with different grades no doubt, but with perfect mobility between the lower and the higher grades. All of them taken together constituted the ‘Civil Service’ of the Company as contradistinguished from the only other branch of the Company’s service, that is, the ‘military service.’ Originally, as their very titles—writers,

factors and merchants--indicate, they were a purely mercantile service. Later, when the Company came to be territorial sovereign as well, its civil servants had to combine with their commercial duties administrative duties also. In course of time a rough separation was made between the commercial and administrative branches of the civil service, but still they belonged to a single homogeneous organisation. Although holding multifarious administrative posts, for purposes of salary, allowances and conditions of service they were still writers, factors, etc. Only after the disappearance of commercial functions of the Company in 1833, was the distinction gradually developed between the two divisions of the civil service, *viz.* covenanted and uncovenanted. In the present volume we are mainly concerned with the civil service of India in its early stages, before the differentiation between the different units of the service was complete.

The services of the present day have hardly any feature in common with those of the East India Company in the seventeenth century in its purely commercial stage or even in the eighteenth century in its quasi-administrative stage, but still there is an organic connection and historical continuity between the two. The story of an humble company of merchants from a country six thousand miles away eventually founding an empire in a strange land, and becoming rulers of a vast population has a touch of romance indeed. No less romantic is the story of the silent transformation of a private mercantile service, into a full-fledged public administrative service, and the most perfect and efficient bureaucracy in the world at that.

In the following chapters we try to tell that story with a critical analysis of the different stages of the process of transformation. For instance, in dilating on the evils of private trade practised on a large scale by the Company's servants even when they became associated with public

work, we have tried to explain it in terms of the theory and practice of public administration, instead of merely finding fault with the men practising them. The failure of the system of dual government after the acquisition of Dewani and of the institution of supervisors has also been explained in a similar way. The decision to take over the administration from the native agency was haltingly taken and still more haltingly enforced. The old machinery of administration had practically broken down and ordered government had come to an end. The task of building anew the administrative system and bringing order out of chaos devolved upon the Company's servants. The task was one of stupendous difficulty as is the case with pioneer work in every field. In the first place, the equipment was lacking. The servants of the Company, who were by training and habit mere book-keepers and clerks, were suddenly summoned to collect the revenues, to keep the peace,\* and to shoulder other responsibilities. Their ignorance was not the only difficulty. What is more, they had not developed that sense of responsibility and public duty which is essential in administrators. Moreover, the standard of morality, nowhere very high in that age, was at a particularly low level at that time in India and it infected the servants of the Company as well ; further, power without responsibility bred in them an indiscipline and corruption which took years to eradicate. To crown all, the Directors pursued the short-sighted policy of paying ridiculously low salaries to their servants, leaving them to eke out their poor pittance by perquisites, legitimate and illicit, limited only by cupidity, thus indirectly abetting corruption. To build up an administration with such material is really an achievement bordering on a miracle and the Company was fortunate in having two outstanding personalities like Hastings and Cornwallis in quick succession at the head of their affairs in India to accomplish the task. Of course,

many errors were committed and many obstacles had to be overcome in the process, but they are natural to any transitional device. Both Hastings and Cornwallis had to proceed by a series of experiments. As we show in the text, Hastings made no secret of his intention of acting upon the 'rule of the false.' In building up the administrative machinery Hastings consistently followed the policy of centralisation, that is, concentrating all authority at the headquarters instead of leaving it with the heads of districts. Soon after Hastings had left, that policy had to be given up, Collectors being restored to their previous position. Cornwallis again took a different line in splitting up the functions of the Collectors and vesting them in different officials. Hastings tried, as far as possible, to conform to indigenous institutions and forms and even to retain the indigenous agency wherever possible; Cornwallis reversed that policy and tried to overhaul the entire administration on English model and English principles and excluding natives systematically from all positions of trust and responsibility. Many measures and policies of Cornwallis also, like those of Hastings, had to be modified or repealed subsequently. But the fact remains that these two great administrators between them created an administrative structure which has in fundamentals continued unchanged to the present day. The achievement of Hastings lay in bringing order out of chaos, in building up administration out of a mercantile service, while that of Cornwallis lay in consolidating the administration and purifying it by raising its morale. Wellesley followed up the work of Cornwallis by emphasising the need of a systematic education and training of civil servants, specially designed to equip them for their task, and taking active steps in that direction.

When the task of building up an administration was accomplished by the end of the eighteenth century the next problem related to personnel, not only with reference to

improvement in its quality, but also its racial composition. The first brought to the fore the controversy regarding the competitive system, and the second the question of Indianisation. The two questions, however, were not unrelated to each other.

*Process of Transformation of the Character of the Civil Service*

Both indicated the subsidence of commercial principles reigning so long in the Company's administration. The transference of administrative responsibility from the Company to the Crown did not affect the position of the civil service very much; it was merely taken as a going concern by the Crown. The Company's civil service now became the Crown's service. Ever since Parliament intervened in the Company's affairs, the conception of the Company's obligation underwent a change. It was placed in the position of a trustee on behalf of the Crown and Parliament. Its private character became overlaid with a public one. Its servants were to care as much for the interests of the shareholders as for those of the people over whom they were suffered to rule. Profit-making was no longer to be the sole motive power but public welfare as well, and as time went by, the former receded into the background to be gradually superseded by the latter. With the transfer of government to the Crown, the civil service became undivided in its allegiance. As a regular civil service of a state its only care became the welfare of the people. Not only that, its ranks were to be open to all subjects of the Crown, irrespective of caste or creed, colour or religion. These principles were formally declared in the solemn proclamation of the Queen in 1858.<sup>1</sup> But even before, steps conducive

<sup>1</sup> It runs, "And it is our further will that, so far as may be, our subjects, of whatever race or creed, be freely and impartially admitted to offices in our service, the duties of which they may be qualified by their education, ability, and integrity duly to discharge."



to the moral and material uplift of the people had already been taken. By the Act of 1813 the Parliament enjoined on the Company an obligation of setting apart annually a sum of money out of its surplus, if any, of territorial revenues for the education of the natives. When after some controversy it was decided to impart Western education, provision was made eventually by gradual steps for such education at all the stages—university, secondary and primary. At the same time the ban on employment in the Company's service on the score of religion, etc., had been removed by the Act of 1833. Amenities of Western civilisation, such as railways, post and telegraph, irrigation and public works were fast introduced. All this had the effect of changing the outlook of the people. Western education brought with it the political philosophy of the West and kindled political aspirations among the educated section of the people. They wanted not only equal opportunities with Europeans for employment in the superior services, but put forward even a demand for home rule. Since the transfer of government to the Crown the policy of progressively associating Indians in every branch of administration—legislative, executive and judicial—was consistently followed. But eventually that policy failed to satisfy popular aspirations and His Majesty's Government thought fit to make the famous pronouncement of August, 1917, declaring as the goal of British rule in India the eventual realisation of responsible government of the dominion type. This marks a turning-point as much in the constitutional history of India as in the development of its civil service.

### *Problem of the Civil Service in its Modern Setting*

The foregoing sketch shows in what manner the civil service of the present day is the product of history. The collector or the district officer of the days of Cornwallis

may be taken to be the predecessor of the present-day civilian. The former came to be "the eye of the government and its tongue." The exigency of administration coupled with the traditions of government of an oriental country turned the district officers into veritable monarchs of small principalities, to whom the people became accustomed to turn as their protectors for the redress of all their grievances. The system was not only endured but quite welcome to the people, as personal rule and centralised authority that characterised the civil service in those days were in accord with the traditions of the system of government to which the British succeeded. As the Indian Statutory Commission observed in 1930, with reference to the system of district administration,<sup>1</sup> "It is not a mere administrative convenience, but may be regarded as an essential part of the organisation of the community. It has established itself in this position, because it corresponds to certain fundamental characteristics of the people. India has always been accustomed to personal relations between the people and those who have been set in authority over them, and the instinct of the people demands that they should be able to state their grievances in person to some individual who is in a position either to remedy them himself or to represent them to the distant and impalpable government." With the spread of higher education and its concomitants—the ideas of democracy, liberalism, and nationalism—the people grew intolerant of paternal government administered by a foreign bureaucracy. Exception was taken not only to its foreign personnel, but also to its bureaucratic character. Indianisation and decentralisation of functions by the creation of special and technical services went apace. The service, however, maintained in all essential features its original character. But with the announcement of August, 1917,

<sup>1</sup> Vol. V of the Memoranda of the Commission.

the problem of the future of the civil service required a re-examination. It was felt that as India progressed towards responsible government the services must abandon their old place and accommodate themselves to the new situation. The civil service was no longer to be the 'government' as before, but to become merely the 'administration.' The position has already been changed materially in the provinces since the introduction of provincial autonomy in April, 1937. The direction of the change can very well be indicated in the words of Ramsay Macdonald written long before,<sup>1</sup> "The seat of authority in India is being removed from the civil service to the Legislature and we must build up the system of Government accordingly. Wisdom compels us to see not very far off the end of the civil service as we have known it and that being so it also compels us to begin without delay to create a new service which will carry us through the transition stage from a British to an Indian administration."

In this connection it may not be out of place to refer to some remarks made by Sir John Anderson, the late Governor of Bengal, in course of an address to the Rotary Club at Calcutta on the eve of his departure.<sup>2</sup> Speaking of the new position of the public services in India, he pointed out that the civil servant should have nothing to do with politics in the sense of affiliation with any particular political party. At the same time, he said, there must be perfect confidence between Ministers, who come into office as leaders of particular political parties to carry out particular policies, and the civil servants, who must place at their disposal advice based on long years of administrative experience as to how best and most effectively to translate them into practice. "A tradition has to be built up by

<sup>1</sup> J. R. Macdonald, *Government of India* (1919), Ch. VIII, p. 113.

<sup>2</sup> Reported in the *Statesman* (Calcutta), dated August 12, 1937.

degrees," he concluded, "and apart from everything else there is an element of lack of continuity here which does not exist at home where every Department contains senior officers of twenty to thirty years' experience of responsible work in the same Department. But at this junction when all is new there ought to be in the minds of all concerned some conscious ideals to which to work in the relations established between Ministers and their officials."

The qualities that will be demanded in the civil servant of the future are industry, devotion to duty, sense of discipline, honesty and integrity, and resourcefulness. But what is wanted above all is a loyalty to the constitution and a spirit of service. They ought to learn the maxim laid down by General Gordon—"to govern men there is but one way, and it is an eternal truth. Get into their skins. Try to realise their feelings."<sup>1</sup> The civil servant should not regard himself a part of a soulless machine. Even his official acts should not altogether be devoid of human feeling. This change in outlook is expected to be brought about by the transfer of responsibility from the bureaucracy to elective parliaments, as policies would no longer be shaped in the official dovecot, but in the conclave of responsible ministers in response to popular opinion communicated through parliament. No scheme of responsible self-government however liberal in its scope and however thoroughgoing in theory, will succeed in practice unless it is accompanied by a radical and subjective transformation of the civil service, because the success of a government depends more on those responsible for its working than its theoretical excellence as disclosed by the

<sup>1</sup> Sir E. Maconochie, a member of the Indian Civil Service, observes from his personal experience, "The first essential for happiness in India is the ability to get into sympathy with its people." He says further what is necessary above all is a sense of humour and proportion. (See his *Life in the Indian Civil Service*, p. 256.)

articles of its constitution. It is the members of the civil service on whom will devolve the task of working the scheme of responsible government in the provinces as well as at the centre. A Titan's responsibility awaits the Indian civil servants in our own day and to-morrow. If only they play their cards well in the new order, keeping pace with the march of events in a changing world we shall be able to say in the words of Sir Samuel Hoare :—

“ When the history of the British Empire is written, its two greatest achievements will be the development of parliamentary institutions and the organisation of the Civil Service, unconnected with party politics and uncontaminated by selfish interests. The development of an efficient and disinterested Civil Service is the greater of these achievements. The Indian Civil Service, the oldest Civil Service in the world, is the author of that great institution. It has built up a record which even Hastings could not have conceived possible.”

## CHAPTER II

### THE COMPANY'S CIVIL SERVICE—MERCANTILE STAGE (FORMATIVE PERIOD)

#### *The East India Company – A Brief Account of its Organisation*

Before dealing with the Company's civil service it is proper to give a brief account of the early organisation of the East India Company,<sup>1</sup> of which it forms an integral part. The Company was incorporated by Queen Elizabeth by Letters Patent on December 31, 1600, under the com-brous title of "The Governor and Merchants of London trading into the East Indies." This body of merchants was given certain rights and privileges under Letters Patent with a view to enabling them to carry on their trade and in general to manage their affairs smoothly. These were from time to time extended by fresh Charters and Acts of Parliament to meet the necessities of varying situations. In 1698, on the authority of an Act of Parliament, a new Company under the title of "The English Company, trading to the East Indies" (sometimes briefly referred to as the

<sup>1</sup> A vivid account of the affairs of the Company and the activities of their servants for the better part of the seventeenth century will be found in the series *Letters received by the East India Company from its Servants in the East*, the first volume of which was edited by Mr. F. C. Danvers and continued after his death by Mr. (later Sir) W. Foster up to 1617, and in the series *The English Factories in India* edited by the latter writer and continued up to 1669, based at the beginning upon the verbatim reproduction of original correspondence and later, upon their summary gleaned from documents in the Public Record Office, the British Museum, and the Indian Record Offices. In addition to these we may also refer to *The Calendars of State Papers, East Indies* (1513 to 1634) edited by Mr. W. N. Sainsbury, (5 Vols.), published at different dates from 1862 to 1892, and continued in the series *The Court Minutes of the East India Company* (1635 to 1679) by Miss E. B. Sainsbury with Introductions by Sir W. Foster (published 1907 to 1938).

New Company) was incorporated by a charter. For some time a severe competition ensued between the two companies, to the detriment of the interests of both. Happily, this was ended by an agreement arrived at between them stipulating the amalgamation of the rival organisations in seven years' time. The management, in the mean while, vested in a court of managers consisting of an equal number of delegates from each body. From the time of the union effected under the terms of this agreement the Company came to be known by the new title of "*The United Company of Merchants of England trading to the East Indies.*" The shorter title "*The East India Company*" was confirmed as late as 1833.

The management of the affairs of the Company at Home was concentrated in a governing body consisting of the Governor, the Deputy Governor and twenty-four committees<sup>1</sup> in England, their proceedings together with those at the General Courts to which all members of the Company were summoned being recorded in Court Minutes. As their settlements expanded, new units of administration in India called presidencies came into existence, each under a President or Governor and Council with powers to manage the internal affairs within its jurisdiction subject to the supreme controlling authority of the Court.

The settlement at Surat on the western coast was the first to rise in importance. In 1638 Surat was the chief establishment and by 1643 factories were established on the eastern coast in Masulipatam and Madras.<sup>2</sup> During the latter half of the seventeenth century sites were secured

<sup>1</sup> The term "Committee" is not to be understood in the modern sense of a body of persons selected from a larger assembly with some special function. Each individual member of the Court constituted by himself a "Committee." Later this body was called the Court of Directors.

<sup>2</sup> A. Lyall, *The Rise and Expansion of British Dominion in India* (1910), p. 24. In 1642 the chief settlement on the Coromandel coast was transferred from Masulipatam to Madras.

by different methods, *e.g.*, lease, purchase or gift, in three distinct zones (Bombay, Madras and Calcutta), which formed the nuclei for pushing the Company's trade into the interior of the country. They were secured at different dates and made into presidencies under the jurisdiction of a President and Council, with fortifications to protect them against external aggression. All the settlements or factories,<sup>1</sup> as they were called, within each area carried on their business under the direction of and in subordination to the President or Governor and Council at the Presidency or headquarters. At the head of each factory there was a chief or a sort of a manager in charge of the whole establishment who had a seat in the Council at the Presidency.

The President was bound by a majority of votes in the Council without any overriding powers.<sup>2</sup> The three Presidencies were absolutely independent of one another till 1773, each being directly subordinate to the Home authorities and obliged to pay due obedience to their orders. They enjoyed a large degree of autonomy in the management of local affairs and day to day administration, which was rendered possible and necessary by the difficulty of communications at the time. As regards their organisation at Home there were two bodies—the Court of Directors and the Court of Proprietors (*i.e.*, stockholders) or the General Court. Their relationship was analogous to that

<sup>1</sup> Not to be understood in the modern sense of a place of manufacture. It comes perhaps from the term "factor" meaning Company's servants, because the factors resided in the building where the Company's business was carried on.

<sup>2</sup> Referring to the Surat Council, Sir W. Foster observes, "By instructions sent out in 1632, the President was required to do nothing, write nothing, without the concurrence of his Council (*vide* Letter of President Hopkinson and Council at Surat to the Company, dated January 25, 1633, in *Original Correspondence*, No. 1428) and the general letter of the following year increased the number of members to five including the President, and took away the latter's casting vote." (Introduction by Sir W. Foster to *English Factories in India*, 1630-33, p. vii.)



between the directorate and the general meeting of shareholders of a joint-stock concern of the present day. The Court of Directors was in continuous operation and stood as the supreme authority controlling the affairs of the Company in general. But as we are not much interested in the Home establishment of the Company, we need not enlarge upon it any more and shall now pass on to their establishment in India.

### *Office Organisation in the Presidencies*

We get a rough idea of the early office organisation of the Company from the following account of Surat in the seventies of the seventeenth century, given in his account of the Surat factory by Dr. J. Fryer, a surgeon in the employ of the Company :—

“ Among the English the business is distributed into four offices, the Accomptant, who is next in Dignity to the President, the general Accompts of all India, as well as this place (*i.e.* Surat), passing through his hands ; he is Quasi-Treasurer, signing all things, though the Broker keeps the cash. Next him is the Ware-house-keeper who Registers all Europe-goods vended, and receives all Eastern Commodities Bought ; under him is the Purser-Marine who gives Accounts of all Goods Exported and Imported, pays Seamen their wages, provides Wagons and Porters, looks after Tackling for Ships, and Ships’ Stores. Last of all is the Secretary, who models all consultations, writes all Letters, carries them to the President and Council to be perused and signed ; keeps the Company’s seal, which is affixed to all Passes and Commissions ; records all Transactions, and sends copies of them to the Company ; though none of these, without the President’s Approbation, can act or do anything. The affairs of India are solely under his Regulation ; from him issue out all

- Orders, by him all preferment is disposed, by which means the Council are biassed by his Arbitrament.”<sup>1</sup>

### *Subordinate Factories.*

The organisation of the subordinate factories was modelled on that at the Presidency. The employees in these subordinate factories frequently found their way through promotion to the establishment at the Presidency, and sometimes even to the position of Councillors, the highest in the Company's gift in the India establishment. “As for the Presidency,” the same writer observes,<sup>2</sup>

“though the Company interposes a deserving Man, yet they keep that power to themselves, none assuming that Dignity till confirmed by them. His salary from the Company is 500 l a year, half paid here, the other half reserved to be received at home, in case of misdemeanour to make satisfaction beside a Bond of 5,000 l sterling of good Securities.

“The Accomptant has 72 l per annum; Fifty pound paid here, the other at home; all the rest are half paid here, half at home, except the writers, who have all paid here.”

The total establishment at Surat at the time consisted of twenty persons<sup>3</sup> including a minister for Divine Service and a Surgeon.

<sup>1</sup> *Vide A new Account of East India and Persia in eight letters being nine years' travels, begun 1672. finished 1681 by Dr. J. Fryer (London, 1698).*

<sup>2</sup> *Ibid.*, p. 85.

<sup>3</sup> The civil establishment in India in the early period was kept on a minimum level, perhaps from considerations of economy. J. W. Kaye observes :--

“I have before me a copy of the first complete list of the Company's civil servants ever sent home to England. It would not occupy half a page of this book. It was compiled in 1615; and it contains thirty-two names. Twenty-one of these were factors, and the rest “attendants on the factory”. They were stationed at four different places.”

[J. W. Kaye, *The Administration of the East India Company* (1853), Ch. IV, p. 417.]

The establishment at Madras and later on that at Calcutta were also constituted on the same plan. In Madras too the Governor or Agent was the first member in the Council; next to him was the Book-keeper; the third in rank was the Warehouse-keeper with the Customer as the fourth. The duties of the Customer were of a miscellaneous character. He collected all the taxes, rents and customs; he also sat as a justice of the peace in the Black town, that is, the native quarter of the town.

The Council met every Monday and Tuesday in the morning. Everything relating to the affairs of the Company or its servants, however trifling in character, was discussed and decided in the Council by a majority of votes. But most of the members, being chiefs of factories in the interior, did not usually attend, thus strengthening the hands of the President or Governor and a few members of the Presidency town. The Governor's position in the Council was pre-eminent. The task of arranging the meetings, drawing up agenda, circulating notices devolved upon a Secretary who was always in attendance. He kept a diary of all proceedings and consultations. A copy of the diary was sent home every year, along with a general letter reviewing the proceedings; in reply a general letter was received from the Court of Directors.

### *Civil and Military Service*

Under the royal Charters and Acts of Parliament the Company was given some powers including the power to raise and equip troops for defensive purposes. Thus the Company's service fell into two classes --civil and military. It is this division that is responsible for giving currency to the term "Civil Service"<sup>1</sup> as contradistinguished from

<sup>1</sup> It is difficult to find out exactly at what time the term came into use. It may be conjectured, however, that it became current towards the end of the seven-

the military, which was taken from India to England and other countries. Each factory in the interior of the country was manned by a band of civil and military servants, varying in size according to the volume of business transacted, who were subordinate immediately to the Governor or President in Council of the Presidency in which the factory was located. Ultimately, of course, all servants of the Company, civil or military, including the Governors and Members of the Council, were controlled by the Court of Directors at home. On important matters, the President and Council had to await instructions from home and obeyed the orders of the Directors. The military servants of the Company were as a rule looked at askance by the Directors and were retained only from a sense of necessity. But in course of time, as the Company became involved in the struggle for ascendancy among the rival powers which arose on the ruins of the Moghul empire, it had to add to its military forces in the interest of self-preservation. Still

teenth century. Because among the manuscript records of the Company kept in the India Office are found forty-one volumes of a series "*Benqal Civil Servants*," beginning from the year 1796, giving lists of the Company's civil servants in Bengal, their salaries, allowances, etc. There are similar volumes also for Bombay and Madras. The term must have, therefore, come into vogue some time before that. It appears that the distinction between the two branches of the Company's service was not established by means of any formal resolution or decision. There was very often an interchange of personnel between the two branches. The distinction, therefore, seems to have become established by sporadic usage. This view would be corroborated by the following quotation from Sir W. Foster's work, *John Company* :—

"The development of the 'Honourable Company's Civil Service'—known by that title some time before Government employees in England ever thought of calling themselves "the Civil Service"—was gradual and somewhat haphazard. In the early days, when the East India trade was carried on by means of terminable "stocks" which ran for a few years and were then wound up, it was natural to take short views.... As early as 1606 we find factors engaged on a five years' contract, and this became the normal period of the initial appointment; but usually a factor remained after his covenanted time had expired, or, if he then returned, was re-engaged and sent out afresh. Gradually, therefore, the service became a regular profession, etc."

(*John Company* (1926) by Sir W. Foster, Ch. XIII. p. 210.)

it always kept guard against the predominance of the military in their affairs. Thus J. W. Kaye observes :-

“ They (the Court of Directors) were extremely jealous of the growth of military influence at their settlements, and turned their soldiers into civilians and their civilians into soldiers at discretion ; that the purely military element might not anywhere assert itself in dangerous predominance.<sup>1</sup>

“ There was another advantage, too, in this. It appeared to the Company that indifferent book-keepers and accountants might make very decent soldiers ; and that if their civilians were trained to arms, an occasional hard bargain might be got rid of by the gift of a military commission.”<sup>2</sup>

This attitude regarding the relative position of the civil and military services persisted even at a much later period, that is, when the Company settled down as an administrative body. Thus in a letter to Bengal, dated the 11th November, 1768, the Directors observed :—

“ As we have taken great precaution to establish the entire dependency of the Military on the Civil power, we shall deem you and the Select Committee highly responsible for any abuse of that power in the unequal distribution of favour and justice towards them ; \* \* \* \* \* we command your checking all encroachments on the Civil power ; but it is also essential that the

<sup>1</sup> This fear of military predominance persisted even at the time of Lord Clive. Thus Clive wrote :—

“ The evil I mean to apprize you of, is the encroachment of the military upon the civil jurisdiction, and an attempt to be independent of their authority. A spirit of this kind has always been visible : our utmost vigilance, therefore, is requisite to suppress it, or at least to take care that it shall not actually prevail. I have been at some pains to inculcate a total subjection of the army to the Government, and I doubt not you will ever maintain that principle.”

(Extract from a letter to the Court, dated the 30th September, 1765.)

<sup>2</sup> J. W. Kaye, *op. cit.*, Part I, Ch. 3, p. 68.

‘Commander-in-Chief should appear to be supported by you in the due exercise of his office.’<sup>1</sup>

In their General letter to Bengal (Para. 12), dated the 7th May, 1778, the Court directed that the orders of the Commander-in-Chief regarding military matters in Fort William were to be communicated to the Governor General for his approbation, before they were issued to troops, and the Court's orders regarding regimental detail and military discipline were to be communicated to the Governor General for information at least twenty-four hours before being issued to the troops.<sup>2</sup> In another letter, dated the 21st July, 1786, the Court directed that in case of a meeting of Civil and Military servants, a senior civil servant, irrespective of rank, was to take the chair. Numerous other instances can be cited from the correspondence of the Court on this point, but what we have stated above is enough to indicate the supremacy of the civil over the military.

### *Mode of Appointment*

Usually the servants of the Company started their career at the lowest rung of the ladder and worked their way up ordinarily by seniority, and exceptionally by merit. They were, therefore, appointed as ‘apprentices’<sup>3</sup> or ‘writers,’ upon their own petition or request,<sup>4</sup> usually at or about the age of sixteen, at first by the Court of Committees, and later on by its successor, the Court of Directors. Originally, each ‘petition’ or application was considered by the Directors on its own merits, but subsequently, some

<sup>1</sup> Paras 102 and 104 of the letter. *Vide Bengal Despatches*, Vol. IV, pp. 170-173, India Office Records.

<sup>2</sup> *Vide Bengal Despatches*, Vol. IX, pp. 382-86, I.O.R.

<sup>3</sup> The practice of appointing youths as apprentices seems to have ceased in 1694, from which date candidates were appointed to writerships straight away. (*Vide* Sir W. Foster, *op. cit.* Ch. XIII, pp. 211-12).

<sup>4</sup> This phrase has always occurred in the covenants executed by writers on their appointment.

restrictions were placed on candidature. For instance, in 1682 it was decided that none should in future be appointed writers "but such as have learned the method of keeping merchants' accounts throughout."

### *Patronage of Directors*

Again in 1714, when employment under the Company was very much in request, it was "resolved that for the future no petition be received from any person for any employment whatever in this Company's service, unless the petitioner be recommended by one or more members of this Court; and that his or their names who do so recommend be mentioned in the Minutes of the Court." This principle was reaffirmed in November, 1731, when it was "ordered that in future all petitions for employments in the Company's service, either at home or abroad, be presented by some of the gentlemen in the Direction, and that they speak to the same."<sup>1</sup> The idea behind this requirement was perhaps to guard against the introduction of undesirable elements in the service and to ensure honesty and integrity therein. If so, it will appear very doubtful from what will follow how far that was realised; but any way, it marks the beginning of the system of patronage which was looked upon as an important privilege of the Directorate, and for which it had to fight hard subsequently against the encroachment of Parliament and the ministry at home, practically right up to the demise of the Company. The method of distribution of this patronage varied from time to time. As will be seen later, at the beginning of the nineteenth century, nomination was made for admission to Haileybury College through which alone writers were appointed, and the extent of patronage varied with the standing of the Directors. It would be too much to expect

<sup>1</sup> W. Foster, *op. cit.*, pp. 212-13.

that such unlimited patronage should be exercised always with an eye to the best interests of the Company. Usually the friends and relatives of the Directors were singled out in preference to better candidates. The Service became practically the monopoly of certain families. To return, however, to the mode of appointment of writers.<sup>1</sup> The candidate had to write out his petition in his own handwriting and submit along with it evidence of age and testimonials about his qualifications. The Court referred the petitions to its Committee of Correspondence on whose report selection was made. The selected candidates were given a long printed indenture<sup>2</sup> to sign, drawn up in a form approved by the legal advisers of the Company. Among many other articles in this bond, the writers had to sign certain agreements and conditions between the Company and himself, these being embodied in an accompanying document, called "covenant,"<sup>3</sup> whence the term "covenanted servant". The covenants practically embodied their conditions of service, rights and obligations. To one part of the Indentures, given to the candidate to sign, the Company's Secretary set their common seal, while the other part, left with the Company, was executed by the candidate, who had also to furnish security in the sum of £500 for the performance of his part of the covenant, and it was left to the honour of the Company to respect theirs. There was no

<sup>1</sup> It has been very well illustrated in minute detail by Mr. Foster by reference to a concrete case, *viz.*, the appointment of Warren Hastings as a writer, the facsimile of his petition even being reproduced. (*Idem*, pp. 220-22.)

<sup>2</sup> See Appendix A for the form. Two such forms of different dates have been reproduced.

<sup>3</sup> Covenants of different periods have been reproduced in Appendix B.

It seems that at the beginning of the seventeenth century, during the period of "separate voyages" of the Company, only one of the documents was employed, *viz.*, the covenant, the candidates' sureties also entering into a separate covenant. There is a marked continuity in the wording of the covenants of different periods reproduced in Appendix B. Modification was made usually in response to new situations.



difference in the form of covenants as between higher and lower posts except with regard to the sum of the security which varied with the salary, and perhaps, the period of contract also. The sums for which different grades of servants had to furnish securities are as follows :--

	£
Writer .. .. .	500
Factor .. .. .	1,000
Junior Merchant .. .. .	2,000
Senior Merchant .. .. .	3,000
Counsellor .. .. .	4,000
Governor .. .. .	10,000

In case appointments were made when the candidate was still a minor, he had to execute fresh covenants on attaining majority, and when he rose to a higher post, he had to give fresh securities attached to the post. In their General letter to Bengal, dated 17th December, 1762, we find the Court admonishing the President and Council for not enforcing "the Standing Rule that as writers come of age, they were to execute fresh covenants, and that all our covenant servants in general as they advance in stations and into Council are to give the usual security on such occasions."<sup>1</sup> The persons who stood security were to be approved by the Company. To provide against possible losses steps were taken to ensure that such persons were dependable as security, and if they intended to transfer their property, they could only do so with the cognisance and previous leave of the Company. For the better security, in future, of the Company from losses that might happen by any of their factory, it was decreed that one of the securities given must be a London citizen of known ability, credit and estate, and able to meet his obligations.<sup>2</sup> It was

<sup>1</sup> *Vide* paras 33-35 of the letter in *Bengal Despatches*, Vol. II, p. 516, I.O.R.

<sup>2</sup> Court of Committees, June 21, 1678, Court Book, Vol. XXXI, p. 19.

resolved that no adventurer who was security for any factor or writer in India, and whose accounts were in question, should be permitted to sell or transfer his adventure without leave of the Court of Committees; and the Accountant General, before making any such transfer, was to acquaint the Court and receive their directions. The Secretary was to notify the Accountant General from time to time of those who became security for any of the Company's factors or writers.<sup>1</sup>

The conditions of service regarding salary, tenure of office, restrictions on the practice of private trade, and receipt of presents and gifts, keeping the secrets of the Company, an obligation to serve the Company "loyally, faithfully, etc.," are detailed in the covenants which have been reproduced in Appendix B.

### *Oath Subscribed by Writers*

In the early period among the various rules laid down to be observed by the Company's servants one related to the taking of oath by the servants on being appointed. In 1677 the Court of Directors issued an order that all factors entertained for the Indies in the past or future, were to take the oath of freemen.<sup>2</sup> The Lawsuits Committee of the Court were desired to prepare the form of an oath to be administered by the President, Agents and Chiefs in India, to all factors and writers on coming of age, to oblige them to their allegiance to the King, and to faithfulness to the Company in the management of their trade, conformable to the oath taken by the freemen of the Company.<sup>3</sup>

<sup>1</sup> See Court of Committees, October 18, 1678, Court Book, Vol. xxxi, p. 101.

<sup>2</sup> *Vide* p. 83, A Court of Committees, September 12, 1677, Court Book, Vol. xxx, p. 313. See also *A Calendar of Court Minutes of the East India Company, 1677-79*, (1938), Introduction by Mr. W. T. Ottewill, p. xxi.

<sup>3</sup> A Court of Committees, September 27, 1677, Court Book, Vol. xxx, p. 351.

*Age*

As regards the age of admission we have seen that usually writers were appointed at or about the age of sixteen; but in the early period it appears that there was no definite rule prescribing either the age of admission or retirement. On the latter point Sir W. Foster remarks<sup>1</sup>: -

“ Factors were engaged mainly on their previous experience, and, so long as they were active and in good health, the question of age was seldom considered. Some indeed were men well advanced in years.”

He cites two cases of appointment at a very advanced age and of continuance in service quite late in life. The first is that of one Joseph Selbank, who wrote to his employers in 1616, “ The almond tree hath displayed his white blossoms upon my head ever since I was admitted into your service,” (9 years earlier) and he continued in service for another seven years. In the other instance, one George Foxcroft was sent to Madras as Agent at the age of sixty-four and retired at the age of about seventy. But these are exceptional cases. Usually the servants were admitted quite young and rose to higher posts by seniority. Restriction on the age of admission was introduced at a much later period. In July, 1784, it was decided that candidates for writerships must be between the ages of fifteen and eighteen. Later by the Act of 1793 the maximum age was raised to twenty-two, and since then the age limits have been modified from time to time.

*Directors' Exclusive Authority in Appointment*

The Directors insisted on their right of appointing to all civil and military posts in India under the Company

\* <sup>1</sup> W. Foster, *op. cit.*, Ch. XIII, p. 210,

to the exclusion of any authority in India. In their General Letter to Bengal, dated the 29th March, 1774, the Directors wrote :—

“As we have never permitted our Governor and Council or our Select Committee in Bengal, to admit Europeans into our service except (?) by the Appointment of the Court of Directors not to license Free merchants, Free Mariners or others to reside in India ; we expressly direct, that you do not, on any account or under any pretence whatsoever, suffer any European to hold any post or exercise any office in our Service, Civil or Military, who shall not have been appointed or admitted into the Company's service, by the express authority of the Court of Directors.”<sup>1</sup>

For quite a long time, we may say up to the time of Lord Wellesley, no provision was made for the systematic training of the Company's servants either at home or after their arrival in India. The only qualifications that were insisted upon were a smattering of book-keeping and accountancy and a good handwriting.<sup>2</sup> Towards the middle of the eighteenth century an institution in London named Christ's Hospital,<sup>3</sup> which provided training mainly of a commercial character, very often supplied recruits for

<sup>1</sup> Para. 25 of the Letter. *Vide Bengal Despatches*, Vol. VII, p. 61, I.O.R.

<sup>2</sup> We may quote the following in connection with the requirement of a good handwriting :—

“The order that all writers who had just been elected were to write over again their petitions before the Secretary, and that they were to be presented to the Court by him, seems to point to the possibility that the Court suspected that some of the original petitions were not written by the applicants. “Fair writing” was one of the qualifications for appointment.”

(A Court of Committees, October 24, 1677, Court Book, Vol. xxx, p. 370 quoted in *Calendar of Court Minutes*, 1677-79, Introduction p. xxi).

<sup>3</sup> Reference to this institution will be found in Sir W. Foster's *John Company*. It is interesting to note that Warren Hastings was educated at this institution and submitted with his petition a certificate from the Master to the effect that he had “gone through a regular course of merchants' accounts.”

writerships of the Company. The reason for this lack of any systematic education and training of the Company's servants is to be found mainly in the character of the Company as a purely commercial body. As such, the work of their servants did not demand of them anything like a liberal education. Moreover, they were sent out at too early an age for receiving such education. Later on, however, when the Company became territorial sovereign, very arduous and responsible duties awaited the servants on their arrival in India for which they were totally without equipment. It was Marquis of Wellesley who first directed the attention of the Company to this problem and formulated his scheme of education for the covenanted servants which we shall discuss later. But even in the early period, though little was demanded of them in the discharge of their simple work, they were not very well equipped for it.

#### *State of Morals*

They did not get an education adapted to their duties and particularly directed towards forming early habits of discipline and strength of character, so essential for young men sent to a foreign country, exposed to temptations of all sorts, placed in an altogether different social environment, and free from all restraints imposed by the standards of conduct in their own society. The result was, as could naturally be expected, the universal degradation of the service. It became more and more pronounced with the political ascendancy of the Company, as we shall presently find; but even from the records of the early period we find accounts of indiscipline and immorality rampant among the Company's servants and the strictures of the Court pronounced thereupon. What a writer has written in the middle of the nineteenth century of the state of morals of the Company's servants,<sup>1</sup> is very well applicable

<sup>1</sup> *Vide an article under the title The English in India—Our Social Morality, in Calcutta Review Vol. I, (1844), No. 11, pp. 298-99.*

to servants of the earlier period. He writes :—

“ They who came hither, were often desperate adventurers, whom England, in the emphatic language of the Scriptures, had spued out; men who sought these golden sands of the East to repair their broken fortunes; to bury in oblivion a sullied name; or to wring, with lawless hand, from the weak and unsuspecting, wealth which they had not the character or the capacity to obtain by honest industry at home. They cheated; they gambled; they drank; they revelled in all kinds of debauchery; though associates in vice—linked together by a common bond of rapacity—they often pursued one another with desperate malice, and, few though they were in numbers, among them there was no unity, except an unity of crime.”

Mr. Verelst, also, in a letter written on the eve of his departure, gave a sketch of the civilians in Bengal in the sixties of the eighteenth century in the following words :—

“ We looked no further than the provision of the Company's investment.<sup>1</sup> We sought advantages to our trade with the ingenuity, I may add, selfishness of merchants.....All our servants and dependants were trained and educated in the same notions; the credit of a good bargain was the utmost scope of their ambition. Calcutta must, in those days, have been a sort of commercial arcadia.”

It is not to be understood, of course, that all servants of the Company without exception were depraved. There were honourable exceptions. But a system is to be judged not by such exceptions but the generality of its products.

#### *Gradation in Service—Promotion by Seniority*

As the Company's service became a regular profession after the cessation of the ‘ separate voyages ’ towards the

<sup>1</sup> The term means purchases made with surplus of receipts over expenditure for export to Europe.

middle of the 17th century, a regular gradation in the service was established. There was in the settlements of the Company a good deal of routine work consisting in copying letters, making out bills of lading and exchange and so forth, for which a class of junior writing assistants was necessary. This class came to be known by the designation of 'Writers' <sup>1</sup> from the nature of their duty. When, after the Restoration, the Home authorities began to send out boys, chiefly from Christ's Hospital, simply on board and lodging and a small allowance for clothes without any salary, a still lower class was formed under the denomination of "Apprentices." The term "factors," applied to all servants of the Company at its inception before the introduction of other grades, came now to indicate a class of senior servants higher in rank than the two grades noted above. Above the "Factors" two other grades were established—the Junior and Senior Merchants. These titles and the gradation appear to have become settled by the middle of the seventeenth century as will appear from the following passage :—

"The distinction of titles of the Company's civil servants in the East, proposed by Streynsham Master (Agent, Madras) and adopted by the Court was that there should be five regular grades below that of Members of Council, namely, 'Apprentices,' 'Writers,' 'Factors,' 'Merchants,' and 'Senior Merchants,' the two last mentioned being new grades. The Court minutes are silent as regards the reasons for this formal adoption of the principle of seniority as the course of succession to offices of trust. They are, however, to be found in the Masters' Commission, namely :—

According to Mr. Foster the term first appears in 1645. He is also of opinion that engagement of apprentices ceased in 1694, youths being thenceforth appointed straight away as writers. The other classes continued till 1839, i.e., five years after the Company ceased to be a trading body. (*Vide Foster, op. cit.*, Ch. XIII.)

‘Whereas it hath been our resolution (since 1669)<sup>1</sup> that such of our factors and servants as were found faithful and capable, should from time to time, by degrees be advanced in our employ according to *seniority*, and that none should be sent out from hence to step over the heads of others, yet we have been oftentimes necessitated to proceed otherwise, partly occasioned by the extraordinary irregular actions of some, partly from the differences and divisions of our factors themselves, and chiefly because our Agent and Council and Chiefs and Council have not observed every year to send us a true and perfect list of all our factors and servants in due order and method with an account of their comportment and behaviours. To the intent that for the future a due course of succession may be established, we do intend that all our factors and servants employed in the management of our trade be reduced under several denominations.’

“The course of succession was that ‘after the first five years, every degree is to advance to the next superior degree, and to the salary of that degree for three years until they come to be ‘senior merchants’ at the salary of £40 per annum,<sup>1</sup> in which degree

<sup>1</sup> *Vide English Factories in India, 1668-69, p. x.*

<sup>2</sup> Mr. Foster observes in this connection :-

“In December, 1675, it was decided that ‘apprentices’, when their period of service was completed, should become ‘writers’; ‘writers’ were to be promoted after a time to be ‘factors’; ‘factors’ might hope to become ‘merchants’; and these were to blossom in due course into ‘senior merchants’.” As regards the origin of the principle of promotion by seniority he says that when even after the establishment of the two inferior grades, men of mature age still continued to be sent from home as factors over their head there was much discontent among the latter. So in 1669, the Directors declared an intention for the future “to have persons raised up by degrees, according to their deservings, from one place to another there (*i.e.*, in India) and only to send out from hence young men or youths, to be trained up in our business.” W. Foster, *idem*, pp. 211-12.



and salary they are to remain till death or removal of some in Council, they be called to further advancement.”<sup>1</sup>

The principle of promotion by seniority established at this early period continued to be in operation till the Company ceased to be a trading corporation. Later on, however, the local authorities were permitted at discretion to depart from the principle where the interests of the Company warranted such a step, as would be evident from the following letter from the Court, dated the 28th August, 1771 :—

“ However desirous we are that our servants should succeed to superior stations according to priority in the service, in all cases where the same can be observed without prejudice to the interests of the Company, it is not our meaning that seniority alone should entitle them to enjoy such posts as require not only an undoubted integrity but also a competent degree of ability and attention and as in this light we must consider the chief management of our affairs at your subordinates, we leave to your judgment to appoint to the respective residencies such of our servants as may be most likely to promote our interests in the trust to be committed to them.”<sup>2</sup>

The Board could, without assigning any reason whatsoever, offer a post to some junior man, ignoring the claims of senior servants.<sup>3</sup> Sometimes a servant was singled out for special preferment for having special qualifications. In its letter to Bengal, dated February 15, 1765, the Court

<sup>1</sup> *A Calendar of Court Minutes of the East India Company (1674-76)*, Introduction by W. T. Ottewill (1935) p. xxv. *Vide also* Letter Books (1672-78), Vol. V, p. 283, I.O.R. Reference may also be made in this connection to Dr. J. Fryer's account given in his book “ *A New Account of East India, etc.* ” already referred to.

<sup>2</sup> Para 28 of the letter, *vide Bengal Despatches* Vol. VI, I.O.R.

<sup>3</sup> A specific instance of such supersession will be found in *Bengal Consultations*, dated March 10, 1763, at which the petition of an aggrieved servant was disposed of.

gave directions for a special treatment of one Mr. William Walton for his "complete knowledge of the method of refining saltpetre." He was recommended to be "stationed as the youngest factor on the list" straight away as soon as he would reach the requisite age.<sup>1</sup> At the same time we find authorities in India remonstrating against the action of the Directors in making an appointment in a particular case in disregard of the claims of some officials already in the service as establishing a very pernicious principle. One Mr. Ellis was nominated by the Court to a seat in the Council in supersession of some twelve persons, and it was pointed out that such unmerited supersession would have a very damping effect upon the loyalty and assiduity of those already in service.<sup>2</sup>

In spite of occasional departures, however, seniority remained the governing principle in matters of promotion. As the affairs of the Company were managed on commercial lines, expediency often dictated departures from the prevailing rule. This sometimes amounted to nepotism and jobbery. When later on the political and administrative role of the Company overshadowed its commercial aspect, it had to observe sound principles of public administration in these matters. The principle of seniority was put on a statutory basis by an Act of Parliament passed in 1793. By section fifty-six of the Charter Act of 1793 it was provided, "for establishing a just principle of promotion amongst the covenanted servants of the said United Company in India, on their civil establishment, and preventing all undue supersessions, be it further enacted, that all the civil servants of the said United Company in India, under the Rank or Degree of Members of Council, shall have and

<sup>1</sup> Para. 63 of the Letter, Government of India (Home Department) Records, 1764-65, Vol. 5.

<sup>2</sup> Letter to the Court, dated the 29th December, 1759 (para. 135), quoted in *Selections from Unpublished Records of Government for the years 1748-1767*, Vol. I, by Rev. J. Long, No. 401, p. 166.

be entitled to precedence in the service of the said Company, at their respective stations, according to their seniority of Appointment etc. etc. ”<sup>1</sup>

*Local Governments vested with Full Authority in matters of Posting, Transfer, Promotion, etc.*

The writers on their first arrival were generally employed for some years in copying the proceedings of the President and Council (called the Consultations), the correspondence between one Presidency and another and also the letters from and to the Directors. In this process they got an acquaintance with the affairs of the Company in India and were then promoted to superior grades, step by step. Some of them rose even to memberships of Council and even Governorship,<sup>2</sup> the highest office in the gift of the Company. It may be noted here that although the power of appointing to all important offices in the service of the Company rested with the Directors, the distribution of these offices among the various settlements of the Company remained in the hands of the authorities in India, as also the authority to promote and punish. It appears that originally the Directors retained the authority of posting and transfer, etc., of the civil servants.<sup>3</sup> But as a result of practical experience they revised their opinion about the efficacy of the system and in the letter dated the 25th March, 1757, they wrote<sup>4</sup> :—

“ We thought they were measures that would answer very good purposes but we are since satisfied that many inconveniencies will follow. . . . . Wee do,

<sup>1</sup> This provision was repealed by the Act of 1801.

<sup>2</sup> The outstanding examples are Lord Clive and Warren Hastings.

<sup>3</sup> Vide General Letter of the Court, dated the 24th January, 1753.

<sup>4</sup> Para. 98 of the Letter, vide “ *Bengal Despatches*,” Vol. I, p. 523 (I.O.R.).

therefore, hereby repeal them, and wee do henceforward leave it to you to employ our Covenant Servants in such places for such times and in general in such a manner as according to the best of your judgment will be most for the interest of the Company having a strict regard to their qualifications for their present employs and their being in the way of gaining experience to fill the superior stations that they may gradually advance to with ability and reputation. You are to observe however that this general direction is not intended to break into the equitable rule of promoting our servants according to seniority in the service when there is no reasonable objection to the contrary."

The Court, however, had the right of intervening, but this was seldom exercised.

#### *Remuneration of Servants--Salaries and Allowances*

The emoluments of the Company's servants in the different grades in the early period till the time of Cornwallis were not at all commensurate with their duties and responsibilities. They differed also at different dates and from one settlement to another as will appear from what follows. From an account of the Bengal Agency in the fifties of the seventeenth century<sup>1</sup> we find that the Agent at Hughli, i.e., the Chief in Bengal, drew only £100, the third in Council £30, and the fifth £20. The Chief at Balasore, a subordinate factory, drew only £40, and the Third only £30. At Kasimbazar the Chief drew £40, and the Fourth only £20. Again it appears from the Letter Books of the Company that in 1675 the annual

<sup>1</sup> "*English Factories in India, 1655-60*," edited by Sir W. Foster (1921), pp. 188-80.

salaries of the junior servants in the Company's settlements were fixed as follows<sup>1</sup> :—

Apprentices £5, Writers £10, Factors £20, Merchants £30, Merchants next to the Council £40.

The Court of Directors insisted on having a complete list of their covenanted servants with their ranks, salaries and allowances, their starting pay, etc. For every Presidency we have volumes of such lists of civil servants preserved among the records of the Company. In Appendix C we reproduce some typical lists from the first three volumes of "Bengal Civil Servants" covering the better part of the eighteenth century. They are illustrative of the conditions of service of the civil servants. In the first place, we get an idea of the salary scales of different grades of servants, and they roughly follow the scales given above, with some variations at different dates and places. Secondly, we may note that although the ranks were always those we have already noted, viz., Merchants, senior and junior, Factors, etc., there were offices of various designations such as Buxey (Paymaster), Jamadar, Secretary, Accountant, Warehouse Keeper, Mint-master, Resident at the Durbar, Chiefs of Factories, etc., borne on one or other of the different grades noted above. This continued till these designations were given up after the Company had ceased to be a trading corporation in 1833. New offices were created with exigencies of the development of administration. The civil servants had also to serve as members of various committees such as the Select Committee of Council, Committees of Lands, Works, Accounts, Aurangs, and Cutcherry. Although holding different offices, they drew salaries attached to the different grades to which their offices belonged.

<sup>1</sup> Letter Books, Vol. V, pp. 288-89 (J.O.R.). *Vide Calendar of Court Minutes* (1674-76), Introduction by W. T. Ottaway.

Thirdly, the number of civil servants of the Company showed a steady increase as would be evident from the following comparative statement<sup>1</sup> :—

The total number of servants on the Bengal list compiled on January 21, 1762	..	68
The total number of servants on the Bengal list compiled on August 18, 1763	.. ..	79
The total number of servants on the Bengal list compiled on October 8, 1764	.. ..	87
The total number of servants on the Bengal list compiled on February 2, 1769	.. ..	122
The total number of servants on the Bengal list compiled on August 25, 1770	.. ..	180

#### *Allowances*

Lastly, over and above the salaries attached to the posts, they got various kinds of allowances such as diet money, house-rent, batta (a sort of exchange allowance), washerman's charge, charcoal, family allowance, etc., etc. It may be noted here that at a later period when the Company took upon itself the revenue administration of the country, the superior servants connected with revenue work were often compensated by a commission on the collection over and above their salaries, and those in the commercial department by a similar commission on investments passing through their hands.

The writers on arrival were usually given free quarters in the presidencies, and when sent to mofussil (interior), were generally billeted upon the senior servants who were given an allowance called 'table money' for keeping a common table for themselves and the junior servants. If they were not agreeable to such an arrangement, the writers

<sup>1</sup> " *Bengal Civil Servants*," Vol. II (1760-83), Fort William, 5th September, 1762 (J.O.R.).

were given an allowance of diet money for making their own arrangements. The scale of such allowances also was fixed by the Directors from time to time. If no quarters could be allotted to the junior writers on arrival, they were given an allowance of house-rent.

In a note given in Appendix D will be found the various types of remunerations together with the rates allowed to different classes of civil servants from an actual statement of accounts, dated October 3, 1757.<sup>1</sup> Later on it appears from some "rules of the Civil establishment in Bengal" issued from the Secret Department of Inspection, dated the 27th June, 1785, that all these allowances under different heads for different classes of civil servants were consolidated into fixed sums.

### *Poor Remuneration of Civil Servants*

It has been universally admitted that the remuneration of the civil servants of the Company from the very beginning until towards the end of the eighteenth century was far below what even in those days would be called "fair wages." This produced much discontent among the Company's servants.<sup>2</sup> This was mainly responsible, if not solely, for driving the junior servants to taking resort to questionable practices like those of carrying on inland trade, receiving presents, etc., against the express orders of the Company which we shall discuss later. Even the authorities in India occasionally drew the Company's attention to the inadequate remuneration of their servants

<sup>1</sup> *Vide* Appendix D. In the same appendix is reproduced an abstract giving an idea of the total number of civil servants of the Company in each grade during the period 1762-72, and the total amount spent on salaries and emoluments.

<sup>2</sup> *Vide* in this connection Letter No. 13 in *Letters received by the East India Company from its Servants in the East*, Vol. I (1602-13), by F. C. Danvers, dated Surat, October 27, 1609, from an English merchant to another at Agra or some other inland factory complaining about poor remuneration.

with its evil consequences. For instance, in a letter written in 1663,<sup>1</sup> it was represented by the Agent Winter and his Council from Bengal that many of the Factors engaged at the commencement of the Stock, had almost served their covenanted periods and were likely to insist upon going home then, unless given more encouragement, such as better salaries. It would be advisable, therefore, they said, to send out a supply of Factors and also to authorise the engagement of suitable men in India. In conclusion they remarked :—

“ The truth is youre Worships give youre servants such small encouragement that doth but very little animate their endeavoures ; theire sallaryes are soe small, and debared tradeinge almost in any commodities stiring (*sic*) but cloth. The seamen are also mightily disheartened, in regard of the strict course that is now taken with them in reference to investinge of their moneys ; and tis our opineons that, if itt continue, your Worships affaires will some way or other suffer more by it.”

We may also quote the historian R. Grant on this point. He observes :—

“ On the reduction, in 1680, of the presidency of Surat into an agency, the annual salary allotted to the Chief agent was £300 ; to the second in Council £80 ; to the other members of Council in a declining progression, so that the lowest member had only £40 ; to the deputy Governor of Bombay, the second person as to rank and authority in the service, £120. Probably, a common table was at that time kept for the servants ; but, with every allowance for this or other similar savings, and with an allowance also for the depreciation which money has

<sup>1</sup> “ *English Factories in India, 1661-1664*,” by W. Foster, p. 183.



since undergone in India as well as in Europe, the emoluments of the service would, from the scale given, appear most pitiful, unless we suppose that they were meant to be filled out by opportunities of private trade."<sup>1</sup>

### *Economy, the governing Principle*

The fact of the matter is that in their dealings with their servants the Company seems to have been at a loss as to how to reconcile the principle of economy with efficiency. As a commercial body they could not dispense with stringent economy, and in almost every letter to their servants in India they insisted on strict economy in their establishments ; and as we have already said, they carried it to such lengths as to make it difficult for the junior servants to make both ends meet without resorting to forbidden sources of income. But at the same time they laid equally great emphasis on efficiency, and particularly the necessity of rooting out abuses among their servants. But they did not know how to strike a balance between the two principles. In support of this we quote here some excerpts from a General letter of the Court to Bengal, dated the 3rd March, 1758. In paragraph 130 of the letter they stress the need of reformation in view of the altered situation (perhaps a reference to the victory at Plassey) and enjoin strict economy in all grades of service. In paragraph 131 they observe :---

" It was our intention to have struck off the various articles of allowance to our servants from the President to the Writer and have fixed one general appointment to each rank for a salary, diet money, etc., but the shortness of the time before the dispatch

<sup>1</sup> R. Grant, "*A Sketch of the History of the East India Company*," (1813) p. 71.

of the ships not permitting us to digest the references and observations we must of course have made on those of our other Presidencies. We have determined to let the several allowances remain on the foot they have for some time subsisted from the Gentlemen of Council to the Factor, . . . . .”

In paragraph 132, they draw attention to the luxurious living of junior servants and their consequent indigence, and order :

“ No Writer whatsoever be permitted to keep either Palankeen, Horse or Chaise during his Writership, on pain of being immediately dismissed from our service.”

Paragraphs 133 and 134 of the letter run as follows :—

*“ You are also to observe that we will not in future admit of any Expences being defrayed by the Company either under the Head of Cook Rooms, Garden or other Expences whatever and which we have lately observed on the face of our Books whether for the emolument of the Governour or any other person and which are not mentioned in the list of salaries, appointments &c. annually transmitted to us ; . . . . ”*

*“ How desirous soever we may be to enforce our recommendations for economy in general, we do not purpose to retrench what shall upon mature consideration appear to us reasonable for the decent support of each station in our service, or that of the four gentlemen in particular who are to preside alternately in Establishment of our Settlement of Fort William on the plan now laid down etc. etc.”*<sup>1</sup>

<sup>1</sup> “*Bengal Despatches*,” Vol. I, pp. 708-10 (I. O. R.). *Italics ours.*

*Exclusive Authority of Directors in the matter  
of Increase of Remuneration*

The discretion of the local authorities in the matter of modifying the scales of remuneration fixed by the Directors, without their previous assent, was completely fettered. Thus in a letter written on 25th March, 1757, the Court administered a mild admonition to the local authorities for having violated this rule in one instance and strictly enjoined non-intervention in the matter in future. They wrote :

“ We must here acquaint you that for the future you are not to create any new salaries or allowances or make any additions to old customary ones without previously stating to us the reasons for necessity of such salaries or allowances and having our consent for the same, we mean this principally with respect to our covenant and military servants being sensible that in other employments and in extraordinary cases you must have some Latitude which we hope you will make use of with Frugality and Discretion.”<sup>1</sup>

As regards covenanted and military servants, if the authorities were disposed to increase the remuneration of some servant or servants in appreciation of their services, or to create some new allowance or add to old ones, what they did was simply to convey their recommendation with reasons to the Directors and wait for their instructions. Thus in a letter, dated the 3rd March, 1758 (para. 131), the Court in raising the salary of the writers to four hundred rupees per annum, in lieu of all other allowances, observes :

“ But as we are sensible that our junior servants of the Rank of Writers at Bengal are not upon the

<sup>1</sup> *Vide* para. 109 of Court's General Letter to Bengal, dated 25th March, 1757  
*Ibid.*, pp. 523-24.

'whole on so good a footing as elsewhere we do hereby direct that the future appointment to a Writer for Salary, Diet money and all allowances whatever be Four Hundred Current Rupees per annum, which Mark of our Favour and attention properly attended to must prevent their reflections on what we shall further order in regard to them, as having any other Object or Foundation than their particular Interest and Happiness."<sup>1</sup>

### *Uncertainty and Insecurity of Tenure*

Apart from the fact that the emoluments of the servants were poor, there was also lacking that element of certainty and security about their remuneration so characteristic of the public services of the present day. Their rates of pay were determined at the sweet will of the Directors and sometimes varied with the ebb and flow of the unsteady fortunes of a commercial Company. This introduced an element of precariousness and insecurity in the conditions of employment of the civil servants of the Company. Speaking of the civil service of the Company, J. W. Kaye observes<sup>2</sup> :

"It appears, too, to have been very much the custom, even in those early days when the mercantile affairs of the Company were in a bad way—when trade was slack and money was scarce, or when their dead stock was consuming their revenue, to send out instructions to reduce the pay of their servants, and so to save a few hundreds a year."

<sup>1</sup> " *Bengal Despatches*," Vol. 1 (I. O. R.).

<sup>2</sup> " *Administration of the East India Company, a History of Indian Progress*," by J. W. Kaye (1853), Part I, Ch. 3, pp. 69-70.

Here in a footnote he gives the following specific instance :

“ For example, in 1678-79, orders went out to reduce the pay of the President of Surat to 300 *l.* a year, and to change his title to that of *Agent*. The senior member of Council was to have 80 *l.* per annum ; and the Deputy Governor of Bombay 120 *l.* The entire expenses of Bombay, civil and military, were limited to 7,000 *l.* a year. The result of these measures was a rebellion headed by the chief military officer, which well nigh lost Bombay to Company altogether.”

Then he concludes :

“ This was not the way to obtain good service, and to keep the Factors and Merchants from trading on their own accounts at a greater loss to the Company than would have been entailed upon them if they doubled, instead of reduced, the salaries of their servants.”

### *Restrictions on the Company's Servants*

The Company's servants were subjected, from a very early period, to a rigorous discipline. The Company dealt severely with individual delinquents in the service. It also laid down from time to time general rules of conduct and discipline to be obeyed by their servants on pain of being suspended or dismissed. We may note here a number of specific restrictions imposed by the Company on its servants from a very early period.

### *Private Trade*

The foremost in importance among these is the interdiction on the practice of private trade, except under the

restrictions laid down by the Company, as detailed in the covenants executed by the servants.<sup>1</sup> As early as the year 1609 we find the Company rebuking their Factors at Surat for the neglect of the Company's interests and carrying on trade on their own account.<sup>2</sup> But in spite of frequent admonitions it was found impossible to check the practice, in the first place, because of the very poor remuneration of the servants, and in the second place, because the superior servants themselves were involved in it. We may quote in this connection a passage from "*The English Factories in India*" (1630-33)<sup>3</sup> :—

"As regards private trade (the suppression of which was now the burden of all communications) the President and Council frankly acknowledged its general prevalence and asserted the impossibility of preventing it. They appear to have made some half-hearted attempts to lessen it, but these were fiercely resented by the persons affected, and Wylde<sup>4</sup> and his associates, by their own notorious excesses in this direction, had lost all moral control."

Among the many difficulties of the Company in the early period, coping with this practice among their servants was the most formidable. Ultimately they were forced to make a compromise in the matter as would appear from the following two passages :—

"To a certain extent this was recognised as legitimate ; but it was notorious that most of the Factors pushed the practice to excess, and we are told that

<sup>1</sup> It will be seen from the covenants of different periods reproduced in Appendix B that this qualified prohibition of private trade occurs in all of them.

<sup>2</sup> Letters from the Company to the Factors at Surat, by the ships of the sixth voyage, dated the 15th March, 1609. Vide '*The Register of letters, etc., of the Governor and Company of Merchants of London, trading into the East Indies (1600-1619)*,' edited by Sir George Birdwood and Sir W. Foster (1893), pp. 315-18.

<sup>3</sup> Introduction to above by Sir W. Foster, p. vi.

<sup>4</sup> Wylde was the President at Surat.

in one year the amount of private trade carried on reached the high total of 30,000 *l*. The example set by the Factors was assiduously followed by the officers and seamen of the Company's ships."<sup>1</sup>

"Recognizing that it was useless to attempt the suppression of this illicit traffic, especially now that freighted ships were being used in place of the Company's own vessels, the Committees decided to schedule the commodities which they desired to monopolise, and to give leave to the factors and seamen to bring home a moderate quantity of other classes of goods. Later in the year (September, 16), elaborate rules were laid down on this subject. The practical results, however, seem to have been small. Everyone who had the opportunity of taking part in a trade yielding such high profits was naturally eager to invest his own stock of money to the best advantage."<sup>2</sup>

New rules of service were laid down in 1674, namely, that on going out, Factors could freely export all or any of the commodities not particularly prohibited by their indenture or covenant, provided such goods were registered with the Company's Secretary and his ticket obtained for carrying them abroad. Upon their return to England they were at liberty to bring home their estates in specified commodities. While in the East they could send home only precious stones, musk, etc. The fact, that the Company's servants availed themselves of this privilege to engage in private trade to an extent, and by means not permitted in the indentures of their covenants, was well known.<sup>3</sup>

<sup>1</sup> " *A Calendar of Court Minutes of the East India Company*," (1635-39) by Miss E. B. Sainsbury. Introduction to above by W. Foster, p. v.

<sup>2</sup> *Ibid.*, (1650-54, Introduction, p. vi).

<sup>3</sup> *Vide* 'Court Minutes,' 1674-1676. The Company to the President and Council at Surat, dated April 3, 1674.

Some time, later the Company again stiffened its attitude in the matter of private trade done by their servants in India. In 1678, after a long debate, the Court decided that Factors were not to be allowed freedom of trade in India "in all commodities of the countrie."<sup>1</sup> The Agents and Councils at Bengal and Madras were required to keep a register of all private trade carried on by the Company's servants and an exact diary of all goods bought for the Company, with their prime cost, also what they were sold for, on which no 'imaginary' prices were to be put, as the Company understood had been the practice.<sup>2</sup> On information being received that the Company's Agents, Chiefs and Factors had, contrary to rules and orders, engaged in a very considerable trade far beyond the compass of their own estates, and for that purpose had borrowed money of their colleagues and natives, "to the apparent damage of the Company, breach of their covenants and the trust reposed in them and to the dishonour of the English nation, order was given that this practice should be strictly prohibited, and for a standing rule and order to this effect to be drawn up and sent to the President and Council at Surat, Agents, Chiefs and Subordinates."<sup>3</sup>

As will be seen in the next chapter, in the eighteenth century, particularly after the ascendancy of the English as a result of the Battles of Plassey and Buxar, the practice of private trade became rampant and led to serious evils.

### *Receiving Gifts and Presents*

Another restriction of importance upon the servants of the Company was the inhibition of the practice of

<sup>1</sup> Court of Committees, November 22, 1678, Court Book Vol. XXXI, p. 117.

<sup>2</sup> Court of Committees, November 27, 1678, Court Book, Vol. XXXI, p. 118.

<sup>3</sup> Court of Committees, October 15, 1679. Court Book, Vol. XXXI, p. 322, *vide* also introduction by Mr. W. T. Ottewill to 'Court Minutes,' 1677-79, p. 302.



receiving gifts and presents by them. In the early period, of course, it was not so very common as in the latter part of the eighteenth century, when the political supremacy of the Company was exploited by its unscrupulous servants. When the servants of the Company became also for all practical purposes the rulers of the land, they had many points of contact with the people and the door was opened for the unmitigated prevalence of this pernicious practice.<sup>1</sup> Apart from the political influence and power that the Company's servants exercised, another potent cause of this malpractice was an immemorial custom in India requiring persons visiting or seeking favour of any superior authority to make some present to the latter. The refusal to accept such present was regarded as signifying dissatisfaction for its inadequacy.<sup>2</sup> The Company prohibited this practice also quite early in its history. Towards the latter part of the eighteenth century, however, when the practice became more common and fraught with greater evil, the Court repeatedly sent directions in clear terms to put a stop to the practice, and as will be seen later, it was the most important article of the new covenant that Lord Clive got executed by the civil and military servants of the Company.<sup>3</sup>

*Resignation by Servants to take to some other Occupation in India or accept some other Appointment*

We may mention here a further restriction on the Company's servants, *viz.*, on their freedom to resign from

<sup>1</sup> It is significant that the clause regarding the prohibition of acceptance of gifts and presents in the covenants of the eighteenth century is absent from the covenant of the seventeenth. (*Vide* Appendices A & B.)

<sup>2</sup> There is a very humorous reference to this practice in Sir Edward Blunt's book, *The I. C. S.* (1937), p. 29.

<sup>3</sup> *Vide* Covenant No. 2 in Appendix B.

the Company's service. They were not to be allowed to resign their service in order to accept some other job or take to some independent profession in the country. The Company does not seem to have approved of the idea of conceding to their servants the freedom to choose their occupation, once they entered their service. On resigning from the Company's service the servants were not to stay in India except with the special permission of the Directors. They were to be shipped back home immediately.<sup>1</sup> In its General Letter to Bengal, dated the 5th July, 1780, the Court writes as follows :—

“ In addition to what we wrote in our letter of the 23rd of March, 1770, we now direct, that no person or persons whatever, already sent, or who may hereafter be sent to India on our Service, either as Writer, Cadet or otherwise, be permitted to resign the same, in order to adopt any other mode of employment, or to engage in any line of business incompatible with the said service ; and we specially direct, that no resignation be permitted in order to enable any person whatever to accept of any office, or to be admitted to practice as an Attorney in the Supreme Court of Judicature. But whenever any person or persons shall resign, as aforesaid, he or they must be required and compelled to return to England within the time limited by Law ; for we will not permit any person whatever to remain in India, after resignation of our service, without having first obtained our leave for that purpose.”<sup>2</sup>

<sup>1</sup> This prohibition also appears to be of later growth. A clause enforcing it will be found in the Covenants of the eighteenth century, but is absent from those of the seventeenth. (*Vide* Appendices A & B.)

<sup>2</sup> Para. 45 of the Letter, *Bengal Despatches*, Vol. XI, pp. 229-30, (I.O.R.).

The same order was more emphatically reiterated in the Court's General Letter, dated the 15th January, 1783, most probably because reports of its violation in some cases reached the Court in the mean time.

### *Leave Regulations*

As regards leave of absence there does not appear to have existed a body of hard and fast rules comparable with those found among civil service regulations of the present day; applications for leave were disposed of on the merits of each case by the President and Council. But it may be said that the Company was none too liberal in the matter of granting leave to their servants. For instance, the servants were required by the Company under its orders, dated the 24th January, 1753, to give one year's notice of their intention of taking leave. Even such a superior servant as Mr. Holwell had to comply with this requirement when he applied for leave to proceed to England for reasons of health. In September, 1765, he begged "leave to notify in pursuance of the Hon'ble Company's command of the 24th January, 1753, directing their servants, 1 year's notice of their intention to leave India," although he proposed to return to England in September, 1766.<sup>1</sup> Later on the Court seems to have had reasons to believe that many of their servants frivolously quitted their posts in India and came back to England. After some time again they wanted to go back to their previous stations in India. The Court strongly condemned

<sup>1</sup> Mr. Holwell was the Zemindar of Calcutta at the time. *Vide Bengal Public Consultations*, of the 4th September, 1765, No. 28, p. 350 (I.O.R.).

this practice and advised the President and Council in Bengal to stop it in the following terms<sup>1</sup>:—

“ We are fully determined that no Member of your Council or in any other Civil Employ at your Presidency shall after he arrives in England have our permission to return to his Rank and Station, unless it shall appear to be recorded on your Consultations, that at the time you allowed him to leave India he did not resign or entirely relinquish our Service, and in consequence thereof on his arrival here shall prefer a memorial to us signifying his Inclinations to return when his health is restored or his private affairs are adjusted.”

With the lapse of time the attitude of the Court became more rigorous in the matter. Thus in their General Letter, dated the 4th March, 1778,<sup>2</sup> the Court observed :—

“ We have resolved, that every civil servant or military officer, who shall hereafter return from India on account of his private affairs, or any other account except the recovery of health, in cases wherein it shall have been duly certified, that the measure is necessary for the preservation of life, or to enable the party to discharge the duty of his station ; every civil servant or military officer so returning from India, shall be considered as totally out of the service, and we direct, that our said Resolution be forthwith published at Fort William, and at all our Subordinate factories, and likewise given out in General and Brigade orders to the army.”

<sup>1</sup> General Letter of the Court to Bengal, dated the 25th March, 1772 (Para. 57). *Bengal Despatches*, Vol. VI, p. 247 (I.O.R.). See also in this connection Para. 23 of Court's General Letter to Bengal, dated 1st April, 1760, in Vol. II of *Bengal Despatches*, p. 149.

<sup>2</sup> Para. 12 of the Letter. See *Bengal Despatches*, Vol. IX, pp. 149-50.

Another Resolution more or less on the same lines was communicated by the Court to the President and Council in Bengal in their General Letter, dated the 10th September, 1783, as follows<sup>1</sup> :—

“ Resolved unanimously that all servants of the Company Civil or Military employed in any of the Settlements in India or China, who shall after the publication of this Resolution have leave to return to England, shall lose all such Promotion or Rank as they would have become entitled to, had they remained in India or China and shall, *if permitted by the Court of Directors to return thither have the same Rank only*, as they held at their departure from thence except in cases of ill health certified by the Governor, (and in China by the Chief Supra Cargo) and upon the oaths of a Committee of three Principal Surgeons (if so many at the Settlement from whence they shall come) under the following form and in that case their leave of absence to be for one year only in Europe, except by express leave of the Court of Directors for a second year taken by the Ballot, on proof of their health not being established.”

(Then follows the form in which three surgeons are to certify as to the absolute necessity of leave for the applicant.) With reference to this resolution, two modifications were subsequently introduced by the Court,<sup>2</sup> perhaps on the representation of their servants. Firstly, it was decided that it was not to apply to the temporary return to Europe of any persons in consequence of any reduction made or to be made in the several branches of Civil and Military establishment. In the second place, in view of the difficulty of getting a certificate from three surgeons the requirement

<sup>1</sup> Para. 13 of the Letter. *Idem*, Vol. XIII, pp. 19-21. Italics ours.

<sup>2</sup> *Vide* para. 27 of Courts' General Letter to Bengal, dated the 12th April, 1786. *Bengal Despatches*, Vol. XV, pp. 59-60.

was dispensed with and the testimony of only one was rendered sufficient for the purpose. Again in 1793, the Court issued a direction to the President and Council in Bengal that when they permitted any of their servants to return to England they should acquaint them with the following standing order of the 8th April, 1789, viz. :—

“ Resolved that no person whatever in the Company's service shall be permitted to remain in England any period of time exceeding two years from their arrival.”

It may be noted that the language is mandatory. Subsequently it appears, some clear-cut rules regulating leave of absence of civil servants leaving India were drawn up and one of them was given effect to by the Charter Act of 1793, but more or less on the lines of the resolutions referred to above.<sup>1</sup>

It will be seen that the servants were discouraged by all possible means from taking leave. All this smacks of the commercial principles on which the administration of the Company was run in those days. The Company had always their eye on immediate profits. Humanitarian considerations as also considerations of efficiency underlying the leave rules of public services of the present day did not trouble them.

### *Insecurity of Employment*

Besides these unfavourable conditions of service there was also great lack of security of tenure. Suspensions from service were very frequent and sometimes made on flimsy grounds. The Directors were quite unfettered in the exercise of the powers of suspension and dismissal, and their decision was not subject to revision or appeal. Not only that, the servants were not sure of getting their

<sup>1</sup> Vide Section 70 of the Charter Act of 1793 (33, Geo. III, Cap. 52).

stipulated salary. We have already seen how they were, sometimes, subjected to reduction of salary in the lean years of the Company. We may cite here an instance illustrating a novel method of retrenchment in the establishment of the Company with its effect on security of employment, from a notice of the Secret Department of Inspection, dated the 27th January, 1785<sup>1</sup> :—

“ The Honorable the Governor General and Council, having thought proper to resolve on a reduction of expense in several departments under this government, and having been consequently obliged to remove some gentlemen in the civil service from their offices and to diminish the allowances, and alter the pension received by others, notice is hereby given that permission will be granted to persons under these descriptions, who may be willing to avail themselves of it, to return to England on leave of absence, with an allowance of half their allotted salaries payable in Bengal, and without forfeiture of their respective ranks in the service. All such persons are to enjoy their leave of absence for three years, commencing from the day of their arrival in England, on condition of their returning to the service before that period, if required so to do by the Honorable Court of Directors ; and all such persons are to notify to the Honorable Court of Directors the day on which they shall arrive in England, and, if not called upon to return to Bengal before the three years are ended, they are to signify their intentions in due time to the Honorable Court of Directors whether it be to remain in England or return to India, and on failure thereof, they are to lose all pretensions to the service.

<sup>1</sup> *Vide* W. H. Carey, *The Good Old Days of Honorable John Company, 1600—1858*, Vol. I (1882), pp. 114-15.

“The Board, in passing these resolutions reserve to themselves the power of preventing any civil servant from availing himself of it, who is not ready to declare upon oath that his fortune does not exceed the undermentioned sums :—

If a Senior Merchant . . .	Rs. 28,000
If a Junior Merchant . . .	„ 24,000
If a Factor . . .	„ 19,200.”

### *The Morale of the Service*

Such adverse conditions of service together with the uncongenial environment in which the servants of the Company worked could not but prejudicially affect the morale of the service. Released from the restraining influence of home, friends and relations, they indulged in practices and behaviour which they could not even think of at home. Even among documents of the very early period of the Company's history, we find that the life led by the servants of the Company and their conduct in India fell far below the standard expected of public servants at the present day. It has been said of the servants in the first quarter of the seventeenth century : —

“In spite of every precaution, jealousies and differences broke out occasionally amongst them, some were accused, and not unjustly, of ‘intemperate living, a word of great significance meaning not want of sobriety only,’ others of ‘pride and gorgeous apparel,’ some of being ‘lewd and debauched,’ and some of gambling, which seems not to have been an uncommon vice, several losing large sums not always belonging to themselves.”<sup>1</sup>

<sup>1</sup> *Calendar of State Papers : East Indies*, edited by W. N. Sainsbury (1892), Preface, pp. xvi-xvii.



On a perusal of the series of the " Court Minutes " of the Company and its companion volume, " English Factories in India," one comes across numerous instances of misconduct and evil practices among the servants of the Company. They were so common that the Company used to maintain for many years a separate volume out of its minute book, something like a ' Black book ' wherein were entered extracts, " concerning the errors and misdemeanours of their servants " under the Court's order of the 8th December, 1626.<sup>1</sup> The idea may have been to develop a sort of a code of case laws to deal with similar cases in future. A little over a century later we still find the Court of Directors " directing attention to the negligence of junior servants " and enjoining correct behaviour and more care to their business.<sup>2</sup>

In another letter to Bengal, dated the 4th March, 1767, the Court refers with great disapprobation to the expensive and luxurious manner of living of their servants, particularly because it would land them in debt to their Banians,<sup>3</sup> " the consequence of which," to put it in their own words, " will be that they will never be the free masters of their own actions, and liable to be tempted to infidelity in their offices they are trusted with to extricate themselves from the difficulties in which their extravagance involves them." (Para. 36 of the Letter.)

With a view to having their expenses reduced to

<sup>1</sup> *Vide* Home Miscellaneous series, No. 29 (I.O.R.), pp. 1-101 & 131-215.

<sup>2</sup> *Vide* Court's General Letter to Bengal, dated the 11th February, 1756 (Paras. 90-91), *Bengal Despatches*, Vol. I, pp. 409-10. Reference may also be made to Court's Letter, dated 21st November, 1766. Where they agree with Clive's opinion of " the corruption, and licentiousness of (our) servants, the horrible abuses committed in the carrying on of the Inland trade . . . . . "

<sup>3</sup> Native agents of the Company's servants.

moderate limits they laid down a number of detailed regulations as follows :—

1. Writers were to be accommodated in the fort as soon as apartments were ready, house rent being struck off, and no writer to be allowed to reside outside without the express permission of the Government.

2. No writer was to keep a palankeen.

3. No writer was to keep more than one servant and a cook.

4. No writer was to keep a horse without permission.

5. No writer was either singly or jointly to keep a country house.

6. The Governor was to keep a watch on the consumption of table liquors by junior servants.

7. Extravagance in dress was to be avoided as far as possible.

8. Any servant disobeying the regulations was to be suspended and his case was to be referred to the Directors.

### *Trade Abuses*

In their trade dealings with the natives also their conduct was not always unimpeachable. They lost no opportunity of exploiting the poor producers of articles, as will appear from the following account given by Captain Hamilton, a tourist in India in his book "A New Account of the East Indies," (1727). Speaking of the Madras establishment he observed <sup>1</sup> :—

"The current trade of Fort St. George runs gradually slower, the traders meeting with disappointments

<sup>1</sup> Quoted in J. T. Wheeler's *Early Records of British India*, (1879), Ch. V, p. 130.

and sometimes with oppressions, and sometimes the liberty of buying and selling is denied them ; and I have seen when the Governor's servants have bid for goods at a public sale, some who had a mind to bid more durst not, others who had more courage and durst bid, were browbeaten and threatened. And I was witness to a bargain of Surat wheat taken out of a gentleman's hands after he had fairly bought it by auction ; so that many trading people are removed to other parts, where there is greater liberty and less oppression."

This state of affairs was much more aggravated, specially in Bengal, after the Victory of Plassey. The Company's servants forced the weavers not to have dealings with any other party, Indian or European, and to take such prices as they were pleased to offer.<sup>1</sup> In this matter their native agents, *viz.*, Banians and Gomostahs far surpassed their masters. This led many of the producers to leave their trade and to swell the band of dacoits that infested the country at the time. This state of things continued till Hastings took strong measures to stop these abuses.<sup>2</sup>

### *Discipline*

From a very early period in its history the Company was very strict as regards the conduct and morals of their servants in India, not so much, it would seem, out of solicitude for the good of their servants as from an apprehension

<sup>1</sup> *Vide* R. Becher's Letter to the Select Committee, dated 7th May, 1769 in *Bengal Secret Consultations*, dated July 8, 1769. Range A. Vol. 9 (I.O.R).

<sup>2</sup> The excesses of the Company's servants in their trade dealings with native producers in the 18th century have been narrated at length in *Considerations on India affairs* by W. Bolts, London MDCCLXXII. *Vide* also a letter written by Warren Hastings to J. Dupre, dated 9th March, 1773, in *Memoirs of Warren Hastings*, by G. R. Gleig, Vol. I, p. 305 (1841).

of injury to its own interests. The records of the Company from the earliest period abound with instances (some of which have already been referred to) where the Directors not only condemned in unmeasured terms the impropriety of conduct of their servants, but severely punished them or directed authorities in India to do so and laid down minute rules of conduct for their observance.<sup>1</sup> The Company was armed, by royal charter, with sufficient powers to punish persons in their employ for misconduct or insubordination from its very inception. Again by Letters Patent under the Great Seal of February 4, 1623, extraordinary powers were granted to the Company "to punish persons in their employment according to their offences and to issue commissions to commanders of voyages and to their Presidents and Councils in India, to exercise similar authority over all His Majesty's subjects on land or in port by fine or imprisonment, or any other punishment, capital or not capital, as the law of this Kingdom and martial law, permits."<sup>2</sup>

By virtue of this authority, the President and Council in Surat passed an "Act for repelling divers enormous and

<sup>1</sup> W. H. Carey observes :

"The turbulent, factious conduct of the young men of the Civil Service in Calcutta," had become so alarming, that it attracted the notice of the Honorable the Court of Directors, who wrote out in March, 1767, that they were "determined to quell it, and if they (the young civilians) cannot be brought to a sense of their duty, they are unworthy of our service, and must not be suffered to continue in India. There is something so subversive of all order and good government in such young men making themselves judges of the conduct of their superiors, and their combination to insult them is of so atrocious a nature, so hurtful of our government in the eyes of the natives; and should the same factious spirit spread itself to the Army, the consequences to be apprehended so fatal that we think the existence of the Company almost depends on the exerting your authority on this occasion."

(W. H. Carey, *op. cit.* Vol. III, Ch. V, p. 29.)

<sup>2</sup> *Vide* Preface to *Calendars of State Papers*, etc. (1630-34), p. xviii (1892). See also Court Minute of 2nd January, 1634.

frequent abuses ” which is preceded by a sort of a preamble and which sets forth a number of rules of conduct for the Company’s servants. In view of its importance it may be summed up here as follows :—Since the desired issue of their affairs depends upon God’s blessings, ‘ which are still afforded or restrained according to the performance or neglect of our due obedience,’ the President and Council have been induced to consider seriously the prevalence of many abuses ‘ to God’s dishonour and a blemish to our nation in the opinions of the people of this country, who are apt to take notice of the least of our errors.’ They have decided accordingly to endeavour the repression thereof; and first they ‘ do gently exhort and admonish every man imploied under us to abandon as much as possible those vices which custome hath glewed fast to his inclinacion ’; but in case ‘ these good inducements prevaile nothing ’ they have thought fit to establish the following regulations :—

1. “ That whosoever shalbe knowne to remaine out of our house the whole night, or be found absent at the time of shutting the gates, whereby he gives cause of suspicion that a worse place detaynes him, unless apparent necessity of business excuse him, shalbe amerced to pay forty shillings to the pore.
2. “ That no man shall neglect coming to praiers (without urgent occasion call him therefrom), upon the forfeiture of half a crowne; and for his needless absence from divine service on Sundaies his penalty shalbe disbursement of five shillings as above said.
3. “ That if any man be heard to abuse the sacred name of God by swearing and cursing (a vice too frequent) (he) shall instantly pay twelve-pence for every othe or curse.

4. "That what man soever shall appear to be drunck, thereby prostituting the worthiness of our nation and religion to the calumnious censure of these heathen, people shalbe punished by the payment of 2s. 6d.
5. "Moreover, complaints being often brought unto us of our men's strikeing and abuseing divers people that have no relacion to our service, whoso offends hereafter in the like kind shall suffer three daies imprisonment in irons.
6. "The delinquent, being convicted by two witnesses, shall streightway obay the tenour of these injunctions ; which if he dares to refuse, he is to remaine at our censures to receive further punishment as the cause shall require."<sup>1</sup>

This is a long list of offences to be punished according to the principles of penology, prevailing at the time in England and there is no reason to believe that they were allowed to become a dead letter. For, from Consultations held aboard the 'Joans' (at Swally, off Surat) we find that four men convicted of robbing Indians on the highway were sentenced to be whipped "in the open bazar." But all this rigorous enforcement of rules of discipline did not improve the situation very much, as may be seen from accounts of a later period.

During the interregnum between the fall of the indigenous government and the frank assumption of administrative responsibility by the Company, abuses among the Company's servants became rampant. The Company's records during this period are blackened by accounts of rank corruption, grab, factious spirit, laxity in morals, negligence in duty, insubordination and indiscipline. The Company strained every nerve to cope with them, issued minute and detailed instructions to Presidents and Councils

<sup>1</sup> *Vide Factory Records, Surat*, Vol. I, pp. 225-26, O.C. 1505 (4th May, 1633, I.O.R.

for checking them and sometimes summarily punished many servants, but in spite of all this they failed to stem the rising tide of abuses. We may give here one or two instances from the Company's records of this period. Thus in 1754, the Court commented on the general licentiousness of their servants and laid down certain rules of conduct to be obeyed by all their servants, civil and military, which were presumably enforced by the President and Council. They wrote<sup>1</sup> :—

- “ After what has passed we cannot hope for much success by expostulations. Wee shall therefore make use of authority wee have over you as Masters that will be observed if you value a continuance in our service and you are accordingly to comply most punctually with our following commands, *viz.* :
- “ That the Governor and Council and all the rest of our servants both civil and military do constantly and regularly attend the Divine Worship at Church every Sunday unless prevented by sickness or some other cause, and that all the common soldiers who are not on duty or prevented by sickness be also obliged to attend.
- “ That the Governor and Council do carefully attend to the Morals and Manners of life of all our Servants in general and reprove and admonish them when and wherever it shall be found necessary.
- “ That all our Superior Servants do avoid as much as their several stations will allow of it—an Expensive manner of living and consider that as the Representatives of a Body of Merchants a decent Frugality will be much more in character.
- “ That you take particular care that our younger servants do not launch into expense beyond their

<sup>1</sup> Court's Letter to Bengal, dated the 23rd January, 1754 (para. 80), *Bengal Despatches*, Vol. I, pp. 66-67.

- Incomes, specially upon their first arrival and we need hardly lay it down as a standing and positive command that no Writer be allowed to keep a pallankeen, Horse or Chaise during the Term of his Writership.

“ That you set apart one Day in every Quarter of the year and oftener if you find it necessary to enquire into the General Conduct and Behaviour of all our Servants below the Council and enter the result thereof in your Diary for our observation.”

In another letter, dated the 3rd March, 1758,<sup>1</sup> the Court expressed its great amazement that the Settlement of Bengal, so rich in resources and with a flourishing trade, should yield so little profit to the Company. They attributed this to “ the luxurious, expensive and idle manner of life ” among all ranks of their servants, with the resulting “ inattention and negligence in most and dishonesty in many.” In another letter they deplored the fact that even the highest officials were not immune from the vices which tainted the service. They instanced the case of such a responsible officer as the Resident at Burdwan who in collusion with the Rajah shared with him the whole sum in excess of the stipulated *malguzary* or land revenue, whereas legitimately everything beyond the Rajah's due belonged to the Company. They concluded with the following remarks :—

“ The proceedings of the Select Committee have laid open to us a most complicated scene of corruption, in which we have the unhappiness to see most of our principal servants involved—Gentlemen who have served us in the highest offices, in whom we placed the greatest confidence, and to whom we had given many marks of our favour,—yet neither the

<sup>1</sup> Para. 4 of the Letter, *Bengal Despatches*, Vol. I.



ties of honour nor gratitude could control that unbounded thirst for riches that seems to have prevailed almost over the whole settlement and threatened a total dissolution of all 'Government.'"

These repeated admonitions and disciplinary measures do not appear to have produced any effect whatsoever, and the reasons are not far to seek. The first and foremost is the fact of great distance—in those days of difficult communications—of the supreme authority from the subordinate servants. The second cause, though of no less importance than the first, is the very poor remuneration of the civil servants which has already been referred to, particularly in view of the fact that they had to serve in a foreign land with a very uncongenial and unhealthy climate producing a very high rate of mortality,<sup>1</sup> and for the better part of their lives removed from healthy influences of home

<sup>1</sup> (The following list will give an idea of the very high rate of mortality among the Company's civil servants in Bengal during the period 1762-81. The rate of mortality was presumably higher in the earlier period. The list is taken from India Office Records, Home Miscellaneous Series No. 79, p. 1.)

*A list of the Gentlemen appointed in the Civil Service of the East India Company in Bengal from 1762 to 1784 specifying the number that have returned to England, who died in the Country or are now in Bengal.*

NUMBER APPOINTED IN	YEAR	RETURNED HOME	IN BENGAL	DEAD
28	1762	7	4	17
14	1763	5	5	4
16	1764	3	6	7
34	1765	5	8	21
20	1766	3	5	12
3	1767	1	..	2
35	1768	5	16	14
48	1769	4	22	22
24	1770	..	14	10
33	1771	3	17	13
41	1772	..	26	15
16	1773 <sup>†</sup>	..	14	2
28	1775	..	24	4
5	1776	..	3	2
22	1777	..	20	2
24	1778	..	22	2
25	1779	1	23	1
26	1780	..	26	..
28	1781	..	28	..
1	1782	..	1	..
35	1783	..	35	..

508 (?)

37

321 (?)

150

life. The third cause was the fact, as we have already said, that all the servants superior and junior were involved in all the vices, there being nobody to check the abuses. Fourthly, in the later period, the political situation in India played a great part in corrupting the service. As we shall see presently, it was a case of unlimited power without responsibility, which is always a dangerous thing. As Clive remarked in course of a letter to the Directors, dated the 30th September, 1765 : -

“ In a country where money is plenty, where fear is the principle of government, and where your arms are ever victorious, it is no wonder that the lust of riches should readily embrace the proffered means of gratification, or that the instruments of your power should avail themselves of their authority, and proceed even to extortion, in those cases where simple corruption could not keep pace with their rapacity.”<sup>1</sup>

Last, though not the least, we must not forget that these servants of the Company were also men of their age, and that age, even in an advanced country like England, was an age when the *morale* in public life was at a very low ebb. To be convinced of this we have only to read any standard work on the parliamentary history of the period. We must assess the tale of corruption and excesses on the part of the Company's servants as also the attitude of the Company towards them against the background set forth above.

### *Miscellaneous Functions of the Company's Servants*

It may be noted that up to 1765, the year of acquisition of *Dewanny*, and even for some time after, the Company

<sup>1</sup> Third Report of the Select Committee of the House of Commons, 1772. Also quoted in *The Life of Robert, Lord Clive*, by Major General Sir John Malcolm, Vol II (1836), Ch. XIV, p. 336.

was, first and foremost, a trading corporation and as such, the principal preoccupation of its servants was with trading operations—conducted on behalf of the Company as well as on their own account. The Company derived all its powers and privileges from the Charters of the Crown, Acts of Parliament and *firman*s from the Country Governments in India. If we go through these documents we find the Company invested with many powers which have no direct bearing on their trade, but rather quasi-administrative in character. These were reinforced by fresh ones as time went on, to meet the necessities of the situation as they arose. This was due to the fact that, with the crumbling of the sovereignty of the Moghul and with the growing anarchy in the country, the Company was to a great extent thrown on its own resources for its protection. They also became embroiled in the feuds then rampant in the country. Accordingly their old Charters had to be modified and supplemented by new ones to equip them with sufficient powers to cope with the new situation. Even at the very beginning, the Charters gave them some powers not exactly relating to trade, but relating to administration of their affairs according to their own laws, customs and manners within their settlements. But all these Charters and Acts had this one feature in common that they converged towards the same object—some directly and others indirectly—namely, the protection of the trading interests of the Company. The powers of the Company derived from all these documents can ultimately be explained in terms of the interests of trade.

*Legislative Function.*—Thus the Charter of Elizabeth (1600) empowered the Company to assemble themselves in any convenient place, “within our dominions or elsewhere, and there hold court” for the Company and the affairs thereof and, being so assembled, they might “make, ordain, and constitute such and so many reasonable laws,

constitutions, orders and ordinances, as to them or the greater part of them being then and there present, shall seem necessary and convenient for the good government of the same Company, and of all factors, masters, mariners, and other officers, employed or to be employed in any of their voyages, and *for the better advancement and continuance of the said trade and traffic.*"<sup>1</sup> The last phrase deserves notice; the limited legislative power conferred on them was also given with a view to the advancement of trade. The servants of the Company would not have liked to submit themselves to the jurisdiction of the crude laws of the country altogether foreign to their notions of right and justice. They might also impose such pains, punishments and penalties by imprisonment of body, or by fines and amercements, as might seem necessary or convenient for the observation of these laws and ordinances. But their laws were to be reasonable and not contrary or repugnant to the laws, statutes or customs of the English realm.

*Judicial Function.*—This led to the necessity of a judicial machinery which was provided by subsequent Charters in each of the three Presidencies in the shape of the Mayor's Court for civil cases and Quarter Sessions for petty criminal cases.<sup>2</sup> Under the Charter of 1661 granted by Charles II, the Governor and Council of each factory were empowered "to judge all persons belonging to the said Governor and Company or that shall be under them, in all cases, whether civil or criminal, according to the laws of this Kingdom and to execute judgment, accordingly," and the chief Factor and Council of any place for which

<sup>1</sup> *Italics ours.*

<sup>2</sup> The Mayor's Court at Calcutta was set up in 1727 under the Royal Charter of the previous year and reconstituted under a fresh Charter of 1753 by which suits between Indians were excluded from its jurisdiction unless both parties agreed to submit them to it. It continued to function till being superseded by the Supreme Court in 1774.

there was no Governor were empowered to send offenders for punishment, either to a place where there was a Governor and Council, or to England. Under that Charter Charles II granted to the Company the entire English traffic in the East Indies with the right to coin money, administer justice and punish interlopers; further, their authority to make war and peace with non-Christian states was confirmed. In justification of the grant of such wide powers to a commercial company Sir Alfred Lyall writes<sup>1</sup> :—

“ Without large capital, an armament, and authority to use it, without some kind of rough jurisdiction over their countrymen in distant settlements, no mercantile association could preserve sufficient influence at home or security for their ships at sea and their foreign stations.”

The organisation for the administration of justice in the three Presidencies under the Charter, although fundamentally similar, was a little different in each Presidency. The Governor with Council was the final appellate authority in India. The Courts had jurisdiction only over the subjects of the Crown in the settlements, there being a separate arrangement for the natives according to the system prevalent in the country.<sup>2</sup>

Some of the servants of the Company had to devote themselves to judicial work. The disputes they were called upon to adjudicate were mainly concerning property rights, *i.e.*, civil in character. They were not so particular about the administration of justice among natives as among Europeans. In the case of natives the paraphernalia of native judicial procedure was pressed into service.

<sup>1</sup> Sir A. Lyall, *The Rise and Expansion of the British Dominion in India*, (1910) Ch. I, p. 31.

<sup>2</sup> *Vide* in this connection, C. P. Ilbert, *The Government of India*, (1915) Ch. I, pp. 17-18.

As one writer observes :—

“ The administration of justice, wherever Englishmen are concerned, has always been a matter of paramount importance. Wherever there is an English element, there is a development of English courts of justice and forms of law. In the earlier history of the English settlements in India, the Governor exercised a paternal authority as the agent of the Court of Directors—the local head of the Company's establishment.....The administration of justice amongst the Hindu population was a very different affair. It followed Moghul forms. Under Moghul rule, the Zemindars administered justice as well as collected the revenue. Under the English rule at Calcutta, a servant of the Company was appointed Zemindar.<sup>1</sup> He performed the same conflicting duties, revenue and judicial, as those which were performed under the Moghul government. The English Zemindar administered justice after the manner of native Zemindars. He sentenced offenders to be whipped, fined or imprisoned at his own will and pleasure ; and punishment was carried out without further parley.”<sup>2</sup>

In fact they followed two different standards in respect to the native and English population. Of course, some allowance should be made for the extenuating circumstance that they had to proceed very cautiously in the matter of introducing any innovation in administrative methods.

<sup>1</sup> The office dates back to 1699 when the villages of Sutanuti and Govindapur forming the nucleus of the present-day Calcutta were leased by the Company from the Nawab. A superior covenanted servant, usually a member of the Council was appointed Zemindar to discharge the duties of Zemindary.

<sup>2</sup> J. T. Wheeler, *Early Records of British India* (1878), Ch. VII, pp. 218-19.

*Duties of Civil Servants in connection with Municipal Administration and Defence*

Two other important duties of the civil servants of the Company apart from duties of a strictly commercial character were those relating to municipal administration and defence. Soon after the establishment of their Settlements Englishmen, long used to local self-governing institutions for supplying the ordinary amenities of civil life, experienced the necessity of some form of municipal government and they utilised the Crown's prerogative of granting charters of incorporation for the purpose. Madras took the lead in this matter as in many others. It was in 1687 that James II empowered the Company to create a municipality at Madras. It was established on the English model and under a Charter bearing the seal of the Company. It consisted of a Mayor, twelve Aldermen and about sixty burgesses. The municipal corporation was invested with a twofold function—municipal and judicial. It was empowered to levy local taxes for catering to the civic amenities. In 1726 a Charter was granted, establishing or reconstituting municipalities at Madras, Bombay and Calcutta, and setting up or remodelling the Mayor's and other courts at each of these places. Thus it appears that the judicial administration was mixed up with the municipal and concentrated in these bodies, with the result that administration of justice was carried on on a level which can hardly be said to be high. Speaking of the Mayor's Court at Madras, Captain Hamilton remarks :—

“ The administration of justice there is not of a high standard. Sometimes a decision in favour could be bought.

“ In smaller matters, where the case, on both sides, is but weakly supported by money, then the court acts judicially but often against law and reason,

for the court is but a court of conscience and its decisions are very irregular; and the Governor's dispensing power of annulling all that the court transacts, puzzles the most celebrated lawyers there to find rules in the statute laws."<sup>1</sup>

Nor is there any reason to suppose that the standard of administration of municipal affairs was more satisfactory at Calcutta either, if we judge from the following accounts of the unhealthy state of Calcutta during the eighteenth century. Thus W. H. Carey in his book quotes a writer describing Calcutta in 1756 in the following terms :—

“ The streets were dirty, narrow and crooked, whilst a pestilential swamp, close at hand, filled the air with sickly exhalations.”<sup>2</sup>

From the proceedings of the Select Committee, dated March 27, 1767, it appears that troops newly recruited from Europe were not permitted even to land at Fort William, but ordered to proceed direct to Cossimbazar because of the unhealthiness of Calcutta.<sup>3</sup> That the situation did not improve much even towards the end of the eighteenth century will appear from the following account from the Calcutta Gazette of the 6th September, 1787<sup>4</sup> :—

“ The sewage of an enormous native population lies festering under an appalling sun in open trenches, which run on either side of the streets, and are called “ drains.” These drains have no outfall, but the mass of filth which they contain is turned out occasionally upon the road—black, fetid, and ghastly—and is ultimately carried off by sweepers. The streets are saturated with these abominations

<sup>1</sup> *A New Account of the East Indies* (1727).

<sup>2</sup> W. H. Carey, *op. cit.*, Vol. I, Ch. IV, p. 24.

<sup>3</sup> Rev. J. Long, *op. cit.*, Vol. I, No. 968.

<sup>4</sup> W. H. Carey, *op. cit.*, Vol. I, p. 271.



and the air is filled with the poisons which they give forth."

The fact of the matter is that the Company's servants were much too engrossed with trade and the political entanglements that trade brought in its train, to devote much attention to local affairs or judicial administration which constituted a sort of subsidiary occupation with them.

As regards the duties and powers in relation to "offence and defence" under the early Charters, the Company was given sufficient powers for self-defence, to make war and peace, or enter into negotiations with country powers—to raise troops and introduce martial law when necessity arose. The maintenance of a well-equipped military force was an urgent necessity with the Company in view of the chaotic condition of the times. We have already referred to the jealousy of the Company at the undue predominance of the military. The military duties ordinarily devolved upon this branch of the service, but it appears that the civil servants of the Company were required to have some acquaintance with the use of arms as a provision against emergency and also as a safeguard against too much dependence on the military. On some occasions the services of the civil servants were actually laid under contribution to tide over an emergency. However, this cannot be counted as one of the normal duties of the civil servants of the Company.

*Commercial Function—the Predominant Occupation  
in this Period.*

Taking a broad survey of the early period of the Company's history extending up to the seventies of the eighteenth century, it may be said that trade was the main pre-occupation of its civil servants and all their other

activities such as those connected with the administration of justice, municipal administration, etc., were subsidiary and subservient thereto. The purely commercial character of the Company in its early stages is manifested in the designations of its servants such as Agent (latterly the President or Governor), Senior merchants, Junior merchants, etc. The following picture of the life of the civil servants will be interesting in this connection :—

“ The outward life of the English at Calcutta was all of the business type. They bought, they sold, they overlooked, they kept accounts, they wrote letters, they regulated establishments and expenditure. Large ships from Europe brought woollen goods, cutlery, iron, copper and quicksilver. The same ships carried away cotton piece-goods, fine muslins, silks, indigo, spices and Indian rarities. Smaller ships, chartered by the Company's servants, were sent to different ports in the eastern seas as private adventurers. Public auctions or outcries were held for the sale of goods ; and buying and selling at outcry was one of the excitements of Calcutta life. European commodities were despatched to remote factories. Native manufactures were received in return.”<sup>1</sup>

Political ascendancy was far from their mind at the beginning of the period, though in the middle of the eighteenth century circumstances conspired to raise their political status and aspirations. The consciousness of a change in their position very slowly dawned upon the Company. As will be seen presently, the Company—although it had become a *de facto* sovereign—long refused to assert its sovereignty and take its rightful place in the political system of Bengal, and even some of its servants disapproved of

<sup>1</sup> J. T. Wheeler, *op. cit.*, pp. 91-92.

this shirking of responsibility on the part of the Company. For instance, Verelst, the President of Bengal (1767-69) writes in a letter, dated the 16th December, 1769, to John Cartier and the Council as follows<sup>1</sup> :—

“ The ascendancy of the English in Hindosthan, is in the number of those events which are distinguished by a series of fortunate and unforeseen occurrences ; not the result of any fixed or connected plan of policy. A colony of merchants, governed by laws, and influenced by principles merely commercial, have acquired a political title and influence over a country, which for extent, populousness, and annual revenue, may be compared to many of the most consequential states of Europe ; that commerce which was once prosecuted in subjection to a tyrannical government, ..... is now but a secondary consideration ; and the native authority being too weak to control the power which our agents derive from our name, the rights of the natives have been generally superseded..... The native government is now fallen in the eyes of the inhabitants, yet such restrictions have hitherto cramped our proceedings, as to prevent us from taking that intimate part which our present character and dignity require, etc.”

But as we shall see, the Company could not maintain its policy of non-interference very long and was obliged by force of circumstances to recognise the change in its position and act up to it.

<sup>1</sup> H. Verelst, *A View of the Rise, Progress and Present State of the English Government in Bengal*, (1772) App. XXVII. See Appendix E for relevant extracts from the letter.

## CHAPTER III

### *The Company's Civil Service—its reaction to the Company's First Accession to Political Power*

In the last chapter we have dealt with the gradual growth of the Company's Civil Service as a regular organised body, its functions, organisation, conditions of service, etc., during the early period of the Company's history during which it consolidated its position through much stress and strain as the principal commercial organisation in India. We have also seen that the main preoccupation of the Company's civil servants during the period was with trade and as such the term "Civil Service" in its modern acceptance was hardly applicable to them. Every student of Indian history knows, however, how by an irony of fate, as it were, the Company found itself in the rôle of a *de facto* sovereign as a result of its victory at the battle of Plassey (1757). We shall now study the immediate reaction of this event upon its servants and then the chain of events that led up to the partial assumption by the Company of administrative responsibility, with consequent innovations in its administrative machinery and a change in the character of its servants. It is a tale of the silent transformation of a body of merchantmen into administrators who were not conscious of the change for a long time.

#### *Political Situation—Power without Responsibility*

The battles of Plassey (1757) and Buxar (1764) virtually made the English Company the supreme power in Hindu-

than. Mirjafar was installed as the Nawab by the Company and continued so on its sufferance. Under a treaty practically dictated to him, the Company got a large sum of money as compensation for its losses. Apart from this, Clive himself got a large sum of money together with a *jagir* (estate) as present. Further, the Nawab undertook to pay annually a sum of money towards the upkeep of the Company's army. Mirjafar, as also the successive Nawabs, were practically the Company's 'vassals' depending on the Company's military power for defence against external aggression and maintenance of internal order. The Company's servants became the 'King-makers' of Bengal. They deposed successive Nawabs and made each succession the occasion of wresting privileges and enormous sums as gifts. They monopolised the internal trade of the country to the ruin of indigenous trade. They perpetrated any number of oppressive acts in their trade dealings with natives with impunity, as the Nawab's officials did not dare taking action against them. All these had a disastrous effect upon the finances of the Nizamat. So long as Clive remained in Bengal the servants were kept in check, but with his departure in 1760 a state of absolute anarchy and confusion ensued. Lyall has aptly described the period between 1760 and 1765 in Bengal as "the only period of Anglo-Indian history which throws grave and unpardonable discredit on the English name."<sup>1</sup>

He throws the whole blame for this state of affairs on the "incapable and inexperienced chiefs" who were in charge of affairs. But we think he has been here less than fair to them. The evils arose from a sense of power unaccompanied by responsibility. The Company's servants knew that they were the virtual masters of the country without accountability to any one except the Directors at

<sup>1</sup> Sir A. Lyall, *op. cit.*, Ch. 8.

home who were too remote to exercise any effective control. To quote Lyall again :—

“ Finding themselves entirely without restraint or responsibility, uncontrolled either by public opinion or legal liabilities (for there was no law in the land), they naturally behaved as in such circumstances, with such temptations, men would behave in any age or country. Some of them lost all sense of honour, justice and integrity ; they plundered as Moghuls or Marathas had done before them, though in a more systematic and business-like fashion ; the eager pursuit of wealth and its easy acquisition had blunted their consciences and produced general insubordination.”<sup>1</sup>

Almost every servant of the Company high and low exploited the situation to amass a fortune and go back to England to live a life of leisure. The principal means they employed for the purpose were the practice of private trade on their own account, receiving gifts and presents, and lending money to Zemindars at exorbitant rates of interest. We shall now pass on to a discussion of these practices.

### *Practice of Private Trade*

As the practice of private trade plays so large a part in the history of civil service of this period and was mainly responsible for the prevailing anarchy and confusion, we may be excused if we discuss it in some detail.

The practice of carrying on private trade in certain commodities by the servants of the Company arose, as has already been observed,<sup>2</sup> from the necessity of compensating

<sup>1</sup> *Ibid.*, p. 145.

<sup>2</sup> See Ch. II, pp. 44-45 *ante*.

them for their poor salaries.<sup>1</sup> We have also seen how the Company rather reluctantly made this concession to their servants, and that also subject to certain qualifications. It was, however, so long confined to import and export trade only. But with the political ascendancy of the Company after 1757, the Company's servants extended this privilege to inland trade also, first in salt, then in other commodities as well, and as a legal basis of their privilege they relied on the grant made by Emperor Furruk-Siyar to the Company of the privilege to trade free of duty.<sup>2</sup> The language of the grant was of course not very clear as to whether it applied to inland trade and to the Company's servants as well. But the intention was quite clear. The fact that they did not engage in inland trade so long as the Country Government was strong is sufficient proof of that. The Company's servants, however, now claimed the right by stretching the meaning of the imperial *phirman*. They got

<sup>1</sup> The following passage from the form of Indenture of the Company's servants would be of interest in this connection : --

" And upon condition of his keeping and performing his covenants, the Company agree, that for the said term of . . . . years, he, the said A. B. shall be freely permitted to trade and traffic *for his own account only, from port to port in India, or elsewhere* within the limits aforesaid, (but not to or from any place without the same) without any interruption or hindrance from them the said Company, or their successors, *so as the said trade be subject to such rules and limitations as the Court of Directors shall, from time to time, direct or appoint etc.*"

(*Vide* Bolts, *Considerations on India Affairs*, (1772) Vol. I, Ch. X, p. 113.)

Italics ours. Italicised portion may be noted.

<sup>2</sup> The history of the privilege is as follows :— On July 8, 1715, a British Embassy consisting of certain factors and a surgeon in the employ of the Company named W. Hamilton went to Delhi to wait in deputation on the Emperor Furruk-Siyar seeking his protection against the oppression of officers of Jafar Khan, the then Nawab of Bengal. Just at this time the Emperor fell seriously ill and Hamilton cured him and thus procured his favour. On January 16, 1716, the Emperor granted as a reward, a patent to the English conferring the right of passing commerce free of all duties. [*Vide* J. Burgess, *The Chronology of Modern India* (1494-1894), pp. 156-57.]

(For a translation of the *phirman* by one Mr. J. Fraser, a Persian scholar, see W. Bolts, *Considerations on India Affairs*, (1772) Ch. VII, pp. 61-63.)

“dustucks” or permits from the President to carry on inland trade free of all duties, which were respected by the Nawab's customs officials under necessity. This placed the country traders at a disadvantage and gave the Company's servants practically a monopoly of inland trade. Not only did they utilise it themselves, but their *gomostahs* or agents<sup>1</sup> also carried it on in their name, of course for some consideration, and subsequently, it began to be exploited by all manner of people, Dutch, Portuguese and so on.

Any boat carrying an English flag could evade the duty at any *chokey* or customs house. The Company's servants thus rose to quick opulence by exploiting this right, to the detriment of the interests of the Nawab, the indigenous traders and the Company as well.<sup>2</sup> The interests of the Company suffered for obvious reasons, because its servants were much too engrossed with their own private trade to devote much attention to the

<sup>1</sup> On the oppressive conduct of these people, J. T. Wheeler observes :—

“The monopoly was bad enough, the conduct of the *gomostahs* was far worse. Native servants of European masters are generally inclined to be pretentious and arbitrary towards their own countrymen. It is easy to understand how they would conduct themselves in remote districts, when invested with emblems of authority, and when the English name was regarded with awe. They assumed the dress of English Sepoys, traded it over the country, imprisoned ryots and merchants and wrote and talked in an insolent manner to the Nawab's officers.”

(J. T. Wheeler, *Early Records of British in India*, (1879) pp. 298-99.)

<sup>2</sup> Apart from the writers of the Company there was another party who benefited by the use of the privilege and that is the ‘Banians’ whom the young writers engaged as soon as they joined their duties. The object of their appointment was actually to obtain pecuniary assistance in his career of private trade on which the writer embarked straight way. Although the ‘Banian’ was nominally the writer's servant, for all practical purposes he became his master. The ‘Banian’ advanced the money to get the benefit of the ‘dustuck’—i.e., trade free from all duties, ‘let. hindrance or obstruction from the Government guards,’—enjoyed by the writers of the Company and of course reaped the lion's share of the profits. As the whole body of the service from the President downwards was involved in the practice, it remained unchecked in spite of the Directors' orders against it, right from the opening of the eighteenth century, it being nobody's interest to do so.

(Vide W. H. Carey, *op. cit.*, Vol. III, Ch. V, p. 28.)



Company's affairs ; those of the country traders suffered, because they could not compete with the servants of the Company protected by this privilege. The interests of the Nawab suffered because his revenues 'were vitally affected by the practical ruin of internal trade. Even Mirjafar, subservient to the Company as he was, was led to complain against the excesses of the Company's servants in this respect which brought about practical bankruptcy of the Nizamat. He was obliged to fall into arrears in meeting the dues of the Company under the treaty. This led to his deposition and the installation of Mir Kasim as the Nawab (1760). But within a short time he also fell out with the Company's servants. He lodged many complaints to the President and Council against the servants of the Company for defying the Nawab's officers in charge of collection of duties and for the abuse of the 'dustucks.' The servants of the Company, on the other hand, made counter-complaints to the Nawab against the conduct of the Nawab's officers for stopping their boats at different 'Chokeys.' The Nawab at last in sheer exasperation and just to spite the Company's servants issued a decree making inland trade free for all within his government for a space of two years and enjoined on his officers the strictest compliance with the terms of this decree, thus putting an end to the advantage enjoyed by the Company's servants. This led to open rupture with the Nawab, the notorious Patna massacre and his ultimate defeat at the battle of Buxar (1764). Mirjafar was restored as the Nawab, and by a treaty with him the right of the English to private trade free from all duties and imposts, except one of two and a half per cent on salt, was restored. The Directors, however, when they came to know of the incidents in connection with the dispute with Mir Kasim, in a letter written on the 30th December, 1763<sup>1</sup> passed severe strictures

<sup>1</sup> Para. 81 of the Letter in *Bengal Despatches*, Vol. II, pp. 754-55 (I. O. R.).

on the conduct of their servants, laying the whole blame for the affair on them and asked them to acquaint the Nawab, in the Company's name, with their disapproval of "every measure which has been taken in real prejudice to his authority and Government, particularly with respect to the wronging him in his Revenues by the shameful abuse of Dustucks." Inasmuch as they traced the root cause of all troubles to the unwarranted use of 'dustucks' by the Company's servants, they directed the President and Council "to confine this privilege as nearly as possible to the terms granted in the Phirmaund," in other words, to limit it to import and export trade alone. It will appear from the contemporary records of the Company of this period that the Directors repeated these orders in a number of letters to Bengal.<sup>1</sup> In one of the letters (dated the 26th April, 1765), the Court in very strong terms repudiated the pretension of certain civil servants that their right to engage in inland trade free of duty was based on the Emperor's *phirman* to the Company and on the treaties with Mirjafar, Mirkasim and Nazem-O-Dowlla, which, it was suggested in that letter, were extracted under duress by virtue of the superior force of the Company, but in total disregard of the Company's interests or the peace of the country. The Court severely denounced the conduct of the authors of the treaty, accusing everyone of the servants implicated in the transaction of a breach of their orders. The Court of Proprietors at a meeting held on the 18th May, 1764, passed a resolution recommending to the Directors a reconsideration of their orders sent to Bengal relative to the trade of the Company's servants in

<sup>1</sup> Reference may be made to the Company's General Letters of the following dates :—8th February, 1764, 1st June, 1764, 15th February, 1765, 26th April, 1765, 24th December, 1765. In some of them they condemn the practice while in others they positively order putting an end to it in an unqualified manner.

the articles of salt, etc.<sup>1</sup> This was most probably inspired by the Company's servants in Bengal through their friends in the General Court. This had the effect of softening somewhat the attitude of the Directors with regard to the question as would be evident from their General Letter to Bengal, dated the 1st June, 1764.<sup>2</sup> In this letter the Court while confirming their previous orders regarding inland trade, directed them at the same time, in consultation with the Nawab, "to form a proper and equitable plan for carrying on the said trade" and send it for their approval. The matter rested here till the arrival of Lord Clive whose handling of the question we shall discuss presently.

### *Presents or Gifts*

The other means by which the servants of the Company, particularly the superior servants, enriched themselves was the practice of receiving presents from high officials of the Government. From the records of this period it appears that almost every Nawab at his accession paid large sums of money to the senior servants of the Company as a price for his succession. The case of Nazem-O-Dowla was a particularly bad one. Although his succession was quite normal, the superior servants of the Company practically demanded of him presents as on other occasions. As it is a typical instance of the degradation of the Company's servants, we may be excused for going a little into the details of the case. The circumstances under which the members of the Council actually demanded the presents have been detailed in a narrative by Muhammad Reza Khan, the

<sup>1</sup> *Vote Minute of the General Court, dated 18th May, 1764, quoted in Appendix to The Fourth Report from the Committee of Secrecy (1772-3), appointed to enquire into the state of the East India Company, No. 39. It will be subsequently referred to as "Fourth Report" merely.*

<sup>2</sup> *Vote extracts from the Letter in Appendix No. 24, Fourth Report. It may be noted that this letter came by the same ship which conveyed Lord Clive and his friends and gave him extraordinary powers to deal with the situation in Bengal.*

Deputy Nawab, recorded in the Consultations of the Select Committee,<sup>1</sup> extracts from which are quoted below :—

After His Excellency had been seated on the Masnud, the Gentlemen of Council first of all sent me a message by Mooty-ram, afterwards themselves said to me,—

“ The gentlemen who have assisted former Nazims have obtained presents. Now that we have seated His Excellency on the Masnud and rendered him service, we hope that he will make presents to us also. Do you represent this to His Excellency.”

I answered,—

“ Do you, gentlemen, yourselves mention it.”

At length as they were earnest with me and I perceived that they would be offended at my refusal, I represented it to His Excellency in conformity to their desire ;

His Excellency said to me, “ It must be done, do you make out a list and bring it to me.”

I replied,

“ Your Excellency is the master ; yourself determine upon whatsoever may be your pleasure.”

Accordingly an account of the presents for the gentlemen was made out before the Nabob's face and given under his hand and seal to Mr. Johnstone in the presence of all the four gentlemen.

It is stated in course of the above narrative that during the period from 12th April, 1765 to 1st May, 1765, (*i.e.*, just 2 days before the arrival of Clive) 8,75,000 rupees were given to nine gentlemen, “ 2,50,000 by four Bills upon the House of the Setts,” (rich bankers) and the remaining 6,25,000 in ready money from the treasury. The members of the Council did not remain satisfied with

<sup>1</sup> *Vide Select Committee Proceedings*, 1765, Vol. I, pp. 34-36. Fort William, 6th June, 1765, (Imperial Record Department, India.)

these presents from the Nawab alone. From the proceedings of the Select Committee of the same date it appears, they demanded presents also from Muhammad Reza Khan through the following message :—

“ Whereas you have been appointed His Excellency’s Naib (*i.e.*, Deputy) it is proper that you should make us some presents from yourself.”

A present of 4,75,000 rupees were agreed upon, of which he paid 2,25,000 and 2,50,000 remained due. But they did not stop here even. They demanded presents even of Juggut Set, a rich merchant of Murshidabad, almost by a threat. They said,<sup>1</sup>

“ Make us some acknowledgement and we will settle all your business according to your heart’s desire ; otherwise we shall be displeased and your business will meet with no assistance, etc., etc.”

Juggut Set most reluctantly agreed to give them 1,25,000 rupees.

In pursuance of a Resolution of the General Court (*i.e.*, the Court of Proprietors), dated the 2nd May, 1764, the Court of Directors sent orders for the execution of a new covenant against the receipt of gifts or presents in any form “ from any of the Indian princes, sovereigns, soubahs, etc., without the consent of the Court of Directors by all servants of the Company including the Governor.”<sup>2</sup> It will be noted that this was a supplementary covenant solely for the purpose of prevention of the practice of receipt of gifts in addition to the usual covenant the servants had already signed at their entry into service. Under the latter (for a form of this see covenant No. 1 in

<sup>1</sup> Juggut Set’s narrative, in *Select Committee Proceedings*, 1765, Vol. I, pp. 37-38, (Imperial Record Department).

<sup>2</sup> *Vide* para. 53 of the Company’s General Letter to Bengal. *Bengal Despatches*, Vol. II (I. O. R.). For the form of the covenant see covenant No. 2 in Appendix B.

Appendix B) also they had to give an undertaking against the receipt of any "gift, reward, gratuity, etc.," from any person in course of commercial transactions. But this did not cover the new situation that arose after Plassey when the servants began to take presents from Nawabs and other highly placed persons. Hence the need of a new covenant. The covenants reached Bengal in January, 1765, but the Board deferred taking any action on the orders of the Court on the pretext that such an important matter could not be disposed of before the arrival of Clive. Shortly after this they received large sums as presents on the accession of the new Nawab Nazem-O-Dowllah as noted above. In the circumstances the motive behind their refusal to enforce the Court's orders immediately may very well be guessed.

### *Practice of lending Money at high rates of Interest*

A third practice which was utilised by the servants of the Company for making money was that of lending money to the Zemindars at exorbitant rates of interest. This was prohibited soon after the arrival of Clive in 1765. Later on the order was modified to limit the rate of interest to a maximum of  $12\frac{1}{2}$  per cent. <sup>1</sup>

### *Clive Sent a Second Time to Reform Abuses*

This was the state of affairs which urged the Directors at home to induce Clive, the man in whom they had the greatest confidence, to take charge of the affairs in Bengal for a second time to set things straight and to give him extraordinary powers for the purpose. Clive arrived in Bengal on the 3rd May, 1765. In a letter to the Directors, dated the 30th September, 1765, he gave a vivid picture of the

<sup>1</sup> *Vide* Letter to the Court from the Select Committee, dated the 24th January, 1767, para. 12.

universal corruption among the Company's servants in these words :—

“ The sudden, and among many, the unwarrantable acquisition of riches, had introduced luxury in every shape, and in its most pernicious excess. These two enormous evils went hand in hand together through the whole presidency, infecting almost every member of each department. Every inferior servant seemed to have grasped at wealth, that he might be enabled to assume that spirit of profession, which was now the only distinction between him and his superior. Thus all distinctions ceased ; and every rank became, in a manner upon an equality, etc. ”<sup>1</sup>

With his keen insight and consummate statesmanship Clive was able to diagnose the root cause of the evils he was called upon to remove. He could realise that the existing system was fundamentally unsound and was responsible for all the evils. It would not do simply to remove one Nawab after another, so long as the existing relation between him and the Company was allowed to continue, according to which the Nawab was responsible for the administration, while his powers to carry out that responsibility were subject to the control of the Company. The latter, however, had no share in the responsibility for government. While the Nawab was the lawful ruler, he totally lacked that dignity and prestige, backed by a consciousness of power, which is the basis of obedience to the government, particularly in an oriental country. On account of the prevailing insecurity, and the exactions and extortions of the Nawab's officers on the one hand, and those of the Company's servants and their native agents on the other, the people were drained of their resources. Their productive

<sup>1</sup> *Vide* J. Mill, *History of British India*, (1858) Vol. III, Bk. IV, Ch. VII, pp. 278-79.

power fell and the Nawab's treasury was almost empty. He could hardly meet the dues of the Company. This reacted on the trade profits of the Company. They had to meet the obligations for defence out of their proceeds from trade, because they had no separate resources for their political and commercial activities. The servants of the Company, however, went on as usual in their pursuit of fortune-hunting on their own account.

*Clive decides to undertake Dewanny*

In these circumstances, Lord Clive and his Select Committee<sup>1</sup> decided that some radical change was necessary. They decided that while maintaining existing forms, the Company must take some substantial share of the responsibility of administration. Accordingly, they decided to take over the control of the revenue administration of the country from the Nawab's hands, leaving him responsible only for the criminal administration (Nizamat). We quote below extracts from the letter of the Select Committee to Court advocating the step : --

“ The time now approaches when we may be able to determine, with some degree of certainty, whether our remaining as Merchants, subjected to the jurisdiction, encroachments, and insults of the Country Government, or the supporting your privileges and possessions by the sword, are likely to prove most beneficial to the Company. Whatever may be the consequences, certain it is, that after having once begun and proceeded to such lengths, we have been forced to go on from step to step,

<sup>1</sup> Clive formed a small Committee of the Council called the Select Committee consisting of five members to deal with the situation more quickly and expeditiously,



until your whole possessions were put to the risk by every Resolution effected and every Battle fought. To apply a remedy to these evils by giving stability and permanency to your government is now and has been, the constant object of serious attention of your Select Committee.

“ The perpetual struggles for superiority between the Nabobs and your Agents, together with the recent proofs before us, of notorious and avowed corruption, have rendered us unanimously of opinion, after the most mature deliberation, that no other method could be suggested of laying the axe to the root of all these evils than that of obtaining the Dewanny of Bengal, Bahar and Orissa for the Company. By establishing the power of the great Moghul, we have likewise established his Rights; and his Majesty, from principles of gratitude, equity and policy, has thought proper to bestow this important employment on the Company; the nature of which is the collecting all the revenues, and after defraying the expenses of the Army, and allowing a sufficient fund for the support of the Nizamut, to remit the remainder to Delhi or wherever the King shall reside or direct, etc. .... ”<sup>1</sup>

### *The Court's Reply to the Select Committee*

The Court of Directors, while approving of the action of the Select Committee in general, was rather diffident in entrusting the Company's servants with the duties pertaining to Dewanny, as will appear from extracts of their reply quoted below, in which they issued instructions

<sup>1</sup> General Letter from Bengal to Court, dated the 30th September, 1765, (paras. 21-22). *Vide Letters Received from Bengal*, Vol. 7, pp. 147-50, (I. O. R.).

to define the scope of the obligations assumed to the narrowest possible extent.<sup>1</sup>

<sup>1</sup> Extracts from the General Letter from the Court to Bengal, dated the 17th May, 1766 :—

Para. 10. " When we consider that the barrier of the Country Government was entirely broken down, and every Englishman throughout the country armed with an authority that owned no superior, and exercising his power to the oppression of the helpless Natives, who knew not whom to obey at such a crisis, we cannot hesitate to approve your obtaining the Dewannee for the Company. . . . "

(In paragraphs 11 & 12 reference is made to " graft " among the Company's servants to the detriment of the Company's interests.)

13. " We must now turn our attention to run ( ? ) our acquisitions as permanent as human wisdom can make them. This permanency we apprehend can be found only in the simplicity of the execution. We observe the account you give of the office and power of the King's Dewan in former times was " the collecting of all the Revenues, & after defraying the expenses of the army & allowing a sufficient fund for the support of the Nizamut to remit the remainder to Delhi." This description of it is not the office we wish to execute, the experience we have already in the province of Burdwan convinces us how unfit an Englishman is to conduct the collection of the revenues & follow the subtle native through all his arts to conceal the real value of his country, to perplex & to elude the payments. We, therefore, entirely approve of your preserving the ancient form of Government in the upholding the dignity of the Soubah.

14. " We conceive the office of the Dewan should be exercised only in *superintending the collection & the disposal of the Revenues, which office tho' vested in the Company should officially be executed by our Resident at Darbar.* Under the control of the Governor & Select Committee, the ordinary bounds of which control should extend to nothing beyond the *superintending the Collection* of the Revenues & the receiving the Money from the Nawab's Treasury to that of the Dewannah of the Company. And this we conceive to be neither difficult nor complicated, for at the Annual *Poonah*, the Government settles with each Zemindar his monthly payments for the ensuing year, so the monthly payments of the whole from the Nawab's Dewan is but the total of the monthly payment of each Zemindar, which must be strictly kept up, and if deficient, the Company must trace what particular province, Rajah or Zemindar has fallen short in his monthly payments, or if it is necessary to extend the power further, let the annual *Poonah*, by which we mean the time when every landholder makes his agreement for the ensuing year be made with

*How Dewanny Worked*

Dewanny was acquired by a *phirman* or charter granted by the Moghul Emperor (Shah Alam) with due form on the 12th August, 1765. By an agreement of 30th September, 1765, the Nawab also recognised the grant. It would appear from above that the policy of Lord Clive at this time, with which the Directors also agreed, was to steer a middle course between frank assumption of the responsibilities of government and playing the rôle of mute on-lookers in the face of maladministration of the worst type.<sup>1</sup> With the control of the revenues, he thought, the Company would be saved from its growing financial embarrassments. At the same time by continuing the Nawab as the head of the executive government the Company would be able to avoid exciting the jealousy as much of other European

the consent of the Dewan or Company. The administration of justice, the appointment of offices, Zemindaries in short, whatever comes under the denomination of civil administration, we understand, is to remain in the hands of the Nabob or his Ministers."

*Vide Bengal Despatches*, Vol. III, pp. 371-77 (I.O.R.). Italics ours.

<sup>1</sup> It may be noted that towards the end of his first term of administration Clive entertained altogether different views. In a letter to Pitt, dated 7th January, 1759, he advocated even the direct assumption by His Majesty's Government of the sovereignty of Bengal, as will appear from the following extract :-

"But so large a sovereignty may possibly be an object too extensive for a mercantile Company; and it is to be feared they are not of themselves able, without the nation's assistance, to maintain so wide a dominion. I have therefore presumed, Sir, to represent this matter to you, and submit it to your consideration whether the execution of a design, that may hereafter be still carried to greater lengths, be worthy of the Government's taking it into hand. I flatter myself I have made it pretty clear to you, that there will be little or no difficulty in obtaining the absolute possession of these rich Kingdoms; and that with the Mogul's own consent, on condition of paying him a less than a fifth of the revenues thereof, etc."

Pitt, however, did not take any serious notice of the representation, probably because the proposal was much ahead of public opinion at home at that time. Sir John Malcolm, *Memoirs of Robert, Lord Clive*, (1836) Vol. II, Ch. X, p. 122.

nations as of the public at home.<sup>1</sup> The upshot of this policy was the setting up of the much criticised system of "double government," which continued with slight modifications up to 1772.

The actual administration of Dewanny was conducted through native agency, with two chiefs, one at Murshidabad (Muhammad Reza Khan) and another at Patna (Shitabroy). On behalf of the Company the Resident at the Durbar at Murshidabad, acting as the Collector of the King's revenues,<sup>2</sup> superintended the operations of the whole body of 'black collectors' under the supreme direction and control of the Select Committee. It is to be noted that a distinction was made between the administration of Dewanny lands and that of the ceded districts of Burdwan, Midnapur and Chittagong. The former, being regarded as political, was assigned to the Select Committee along with similar functions, while the latter belonged to the Council as before.

<sup>1</sup>The advantages of the system were thus described by Clive and Select Committee in a letter to the Court, dated the 24th January, 1767 :

"The necessity and utility of this grant become everyday more evident. All cause of contention with the Government is now removed. Security to the property, freedom to the trade and protection to the persons of the natural inhabitants are insured. Funds for the provision of your investments for the maintenance of your troops and for the necessities of war are established. Influence to command respect is acquired; and *we may, in our present circumstances, be regarded as the spring, which concealed under the shadow of the Nabob's name secretly gives motion to this vast machine of Government, without offering violence to the original constitution. An increase of our own and diminution of his power are effected without encroachment on his prerogative.* . . . ."

(Para. 2 of the letter. Italics ours.)

<sup>2</sup>His functions have been described as follows in para. 5 of the Letter from the Select Committee to Court, dated 24th January, 1767 :—

"In conjunction with Mahomed Reza Cawn, he superintends the whole collections, receives the monthly payment from the Zemindars; disburses the stated revenues appropriated to the King, and the Nabob; inquires into the causes of deficiencies; redresses injuries sustained or committed by the officers of the revenue, & transmits the accounts of his office, the invoices of Treasury, and a monthly account of the Treasury, with every other occurrence of importance, to the President and the Select Committee."

The division of functions between the Select Committee and the Council was made on the principle that the Council was to continue conducting the old functions, and the Committee was to conduct the new functions that arose as a result of the growth of the political rôle of the Company.<sup>1</sup>

### *Constitutional Significance of Dewanny*

From the above description, the Dewanny administration does not appear to have created any appreciable change in the position or functions of the Company, because even the administrative machinery of Dewanny was kept intact and manned by native agency as before. It seems to have added only the ultimate control over the revenues of Bengal to the already existing military supremacy of the Company. It may appear as nothing more than the appointment by the Emperor of the Company, instead of a private individual, as the Dewan. But as a matter of fact its significance was much deeper. It gave a *de jure* basis to the supremacy of the Company which it had been exercising so long *de facto*. It engrafted the Company on the constitutional system of the country, professedly as a part, but actually as the main-spring. But the Company was either unconscious of the fact, or knowing it, deliberately shut its eyes to it in refusing to take the obligations of its new office on its own shoulders at once. So far as the servants of the Company were concerned, however, it did not create any change in their position, as they had, as yet, no part or lot in the management of the Dewanny affairs.

### *Administrative Reform and Attitude of Civil Servants*

In the meantime Clive went ahead with his task of reforming abuses and enforcing economy in civil and military

<sup>1</sup> *Vide* paragraphs 8 and 9 of the same letter.

administration. In all his private letters of this period he deplores the shameful conduct of the Company's servants before his arrival and the slur it brought upon the fair name of the Company in the country.<sup>1</sup> As all these evils centred round the practice of inland trade, he made a drive against the same. He ordered all free merchants,<sup>2</sup> except those specially permitted to trade, to return to the presidency, stopped the *Gomostahs* from passing their goods without duty, and implicitly carried out the orders of the Directors in executing the covenants against the receipt of gifts and presents. As we have already seen, the previous Board left over this matter pending the arrival of Clive.<sup>3</sup>

Almost the very first thing that Clive did on his arrival was to get the covenants executed, first, by the members of the Council and the servants at the Presidency, and next, by all servants, civil and military, in the factories in the interior.

All these measures created a smouldering discontent among both the civil and military servants of the Company, when another act of administrative reform made it break into a conflagration. This was Clive's decision to bring up four senior civil servants from Madras to Bengal, as he noticed a pitiable dearth of senior men in Bengal, very responsible positions being held by junior servants to the detriment of efficiency. As this affected the vested interests of the Bengal servants, they planned organising an

<sup>1</sup> *Vide* Malcolm, *op. cit.*, Vol. II, Ch. XIV.

<sup>2</sup> The 'Free merchants' were not servants of the Company. They carried on trade on their own account. They are not to be confused with 'Interlopers' who illegally participated in those branches of trade in which the Company enjoyed a monopoly under the Crown's charter. They did not encroach on the monopoly of the Company, but carried on trade between India and the neighbouring countries, under a license granted by the Company. But like the servants of the Company, they had also to sign indenture bonds for observing the terms of the covenants they had to enter into with the Company.

<sup>3</sup> In a letter to his friend General Carnac, dated the 6th May, 1765, Clive strongly condemns this conduct of the Board. *Idem*, p. 322.

association for open defiance of the President, even to the point of social boycott. We may be excused for quoting at length excerpts from the letter of the Select Committee to the Court on this matter, dated 31st January, 1766.

Para. 20. "We are sorry to find that our endeavours to serve the Company in a manner the least injurious to your servants, here, should be misconstrued. As soon as this measure became known, by reports from Madras, and previous to our laying any proceedings before the Board, the young gentlemen of the settlement had set themselves up for judges of the propriety of our conduct, and the degree of their own merit : each would think himself qualified to transact your weighty affairs in Council, at an age when the laws of his country adjudge him unfit to manage his own concerns to the extent of forty shillings. They have not only set their hands to the memorial of complaint but entered into associations unbecoming at their years, and destructive of that subordination without which no government can stand.—All visits to the President are forbidden—All invitations from him and members of the Select Committee are to be slighted—The gentlemen called down by our authority from Madras are to be treated with neglect and contempt—Every man who deviates from this confederacy is to be stigmatised and avoided—In a word, the members are totally to separate themselves from the head, decorum and union are to be set at defiance, and it becomes a fair struggle whether we or the young gentlemen shall in future guide the helm of Government. Look at their names, examine their standing, inquire into their

services, and reflect upon the age of four-fifths of the subscribers to this bill of grievances, who now support the association, and you will be equally surprised with us at the presumptuous intemperance of youth, and convinced that a stop of three, or four years in the course of promotion is indispensably necessary, if you would have your Council composed of men of experience and discretion.

21. "From this sketch of the behaviour of your servants, you will perceive the dangerous pitch to which the independent and licentious spirit of this settlement hath risen; you will then determine the necessity and propriety of the step we have taken: in the meantime we are resolved to support it or we must submit to the anarchy and confusion consequent on subjecting the decrees of your Select Committee to the revisal and repeal of young gentlemen just broke loose from the hands of their school-masters....."

Clive quelled this rebellious spirit with a firm hand by dismissing and suspending some and scattering others to various places. The importance of the matter lies in the way it illustrates the depths of indiscipline and insubordination to which the servants of the Company had sunk at this time.

*The Problem of Remuneration of Servants and Clive's  
Plan of 'Society of Trade'*

Although Clive dealt severely with the spirit of insubordination among the servants, the root cause of all troubles did not escape his notice. With his keen insight and sagacity he easily perceived that he could not keep



the administration clean without providing adequate remuneration for its members. The problem engaged his attention from the very beginning of his second term of administration. The scales of salaries were admittedly ridiculously small. But so long the servants were making up for their poor salary by other means already noted. Now, however, to put it in the words of Sir John Malcolm, Clive's biographer,

“ in the altered situation of the Company, when their servants concluded treaties, influenced the fate of provinces, and made and unmade princes, things were essentially changed. Presents were now liable to become, not the sign and consequence of good-will, but the motive, and sometimes the guilty motive, of public acts ; and great sums might be thus extorted, to the injury both of the natives and of the Company and, indeed, this natural effect did ensue.”<sup>1</sup>

So this practice had been stopped, as already stated, by an order of the Directors directing all servants of the Company to enter into covenants which forbade the receipt of gifts and presents. Next, the orders issued regarding the inland trade almost closed another source of profit. These drove them back once more to export and import trade exclusively, placing them at a disadvantage by the side of the ‘ free merchants,’ as they could not move from place to place like the latter.<sup>2</sup> Moreover, due to the increased investments of the Company after Dewanny this too was not very profitable. As Verelst observes :

“ The new covenants had excluded the receipt of presents ; while the increased investments of the Company, (after the Dewanny was obtained) absorbed the trade of the individuals, and removed all prospect

<sup>1</sup> John Malcolm, *op. cit.*, (1936) Vol. III. p. 96.

<sup>2</sup> They practically monopolised the import and export trade which was given up by the Company's servants when they took to internal trade.

of advantage in a foreign commerce. No other fund remained for the reward of services; and without proposing a reasonable prospect of independent fortunes, it was ridiculous to hope that common virtue could withstand the allurements of daily temptations, or, that men armed with power would abstain from the spoils of a prostrate nation."<sup>1</sup>

The Company's servants, therefore, made a representation to Clive of their grievance and Clive felt its legitimacy.

Clive gave to the problem his very serious thoughts. He was quite aware that the Directors would not agree to a direct increase in remuneration, as "the habits of thinking and constitution, of the Court of Directors, rendered them very adverse to granting adequate salaries to those employed in high stations."<sup>2</sup> At the same time, he perfectly realised that some way must be found to increase the emoluments and to purify the service. After thinking of various alternatives he found the most satisfactory solution in his plan of "Society of Trade" described below. In justification of his plan as the best solution of the problem, compared with other alternatives that he thought of, he wrote in the course of a private letter to the Court as follows<sup>3</sup> :—

"The necessity of rewarding the superior servants, both civil and military, is obvious, since the large investment required by the Company makes it impossible for individuals who perform their duty

<sup>1</sup> H. Verelst, *A View of the Rise, Progress, etc., in Bengal* (1772), Ch. IV, p. 113.

<sup>2</sup> Malcolm, *op. cit.*, Vol. III, Ch. XVI, p. 82.

<sup>3</sup> Para. 16 of the letter quoted in W. Bolts' *Considerations on India Affairs* (1772), Vol. I, p. 173. The date is not given.

to acquire anything considerable by private trade. The means of regulating this reward have frequently employed my attention, and after the most mature deliberation I have found none so convenient, proper, or equitable as the trade in salt. If you grant a commission upon the revenues the sum will not only be large but known to the world. The allowance being publicly ascertained, every man's proportion will at all times be the occasion of much discourse, envy and jealousy. The Great<sup>1</sup> will interfere in your appointments, and noblemen will perpetually solicit you to provide for the younger branches of their families. A commission upon your investment, whether upon the provision in Bengal, or the sales in Europe, is liable to the same objections."

He then states the advantages of his plan.<sup>2</sup> Clive was so much convinced of the efficacy and soundness of his scheme that he went forward with it without waiting for the approval of the Directors, of which he felt sanguine. But here he made a miscalculation. He took his cue from the Letter of the Court, dated the 1st June, 1764 (already referred to), directing the President and Council to evolve a plan of inland trade in consultation with the Nawab which would satisfy the interests of all parties, *viz.*, the Nawab, the Company and its servants. In pursuance of this direction, at a Consultation held on the 10th August, 1765, the Select Committee passed a number of Regulations embodying the plan and resolved to put it into execution. This was further elaborated at another meeting of the

<sup>1</sup> A reference to the ministry at home.

<sup>2</sup> A similar statement of objects and reasons will be found in a letter from the Select Committee to the Court, dated the 24th January, 1767, which conveyed the decision of the Committee to comply with the orders of the Court for winding up the Society.

Committee held on the 18th September next.<sup>1</sup> It was proposed to make the inland trade in salt, betel-nut and tobacco an exclusive monopoly to be conducted by a Company consisting of the superior civil and military servants of the Company arranged in three classes according to rank, entitled to a number of shares and consequently profits on the same principle.<sup>2</sup> All salt, betel-nut and tobacco produced in, or imported into, Bengal were to be purchased by this Company alone and then to be transported to certain centres where they would be sold by its agents to country traders, who would then be permitted to deal in the articles. The management of the concern was entrusted to a Committee of Trade consisting of two members of the Council and two of the Select Committee. The Company was to receive duties on the articles at the following rates :

On salt 35 per cent.<sup>3</sup>

On betel-nut 10 per cent on the prime cost.

On tobacco —25 per cent on the prime cost.

It was calculated that it would yield to the Company a clear revenue of at least £100,000 a year. It was contended in favour of the plan that far from injuring any party it was calculated to benefit all. The Company would

<sup>1</sup> For details of the Scheme vide *Bengal Secret Consultations*, 1765-66. See also *Fourth Report from the Committee of Secrecy, East Indies* (1772-73), App. Nos. 38 & 39, and W. Bolts, *Considerations on India Affairs*, Ch. XIII. A detailed and connected account of the 'Society of Trade' will also be found in an article *Studies in the Early Government System of the Company in Bengal* (1765-74), by Mr. D. N. Banerji in *Bengal: Past and Present*, Vol. LV.

<sup>2</sup> The proprietors were to be arranged into three classes. The first class, consisting of Governor and other superior civil and military servants, altogether fifteen, was allotted thirty-five shares. The second class, consisting of eighteen persons of the next superior grade, was allotted twelve shares, and the third class, consisting of twenty-seven persons, eight shares.

<sup>3</sup> This was raised to 50 per cent when, after the first year's working, enormous profits were made.

be benefited by an increase in its revenues, which otherwise it would lose. Moreover, the Company's servants, now being freed from their trading pursuits, would be able to devote their whole time and energies to the work of the Company. The servants would not only have a regular source of income, but would be spared all the trouble and worry they were subjected to in carrying on private trade. The country traders, it was pointed out, would not be losers in any way, because they would carry on the trade as before, trade in salt having always been a monopoly. The question of the Nawab's revenues being affected did not now arise, because under the system of Dewanny the Nawab had nothing to do with revenue administration.

It would not be within our purview to examine the merits or demerits of the plan on fiscal or political grounds. But we should note here two points, which are relevant to our theme. The first is, that it did not put an end to inland trade in the articles mentioned, as required by the Directors, but simply regulated and regularised it. In the second place, only the superior civil and military servants were admitted within the fold of the "Society," and they were a handful among the legion of the Company's servants. The rank and file whose salaries were pitifully small were left in the cold shade of neglect. It is difficult to imagine how Clive could look upon the plan as a solution of the problem of abuses arising from the unregulated practice of private trade and that of fair remuneration of the service.

### *The Court's Attitude*

On the 30th September, 1765, in three separate letters, one from Lord Clive himself, one from Clive and Select Committee, and a third from the Governor and Council—the plan was communicated, with explanations, to the

Court of Directors and commended for their approval. The Court, however, in their General Letter, dated the 19th February, 1766, reiterated their previous order against inland trade. As this letter was taken to have been written before their letter of the 30th September, 1765, conveying the plan of the Society, had reached them,<sup>1</sup> Clive waited for further orders of the Company. But in a letter, dated the 17th May, 1766, to the Select Committee, the Court, while congratulating Clive on remedying prevailing evils in Bengal and giving him extraordinary powers, disapproved of his plan of the 'Society of Trade' in clear and unmistakable terms on the ground that their previous experience of inland trade did not justify them in approving of it even in that restricted form. In this letter<sup>2</sup> they approved of the motive underlying the plan, but expressed the opinion that it would not achieve the end in view. They observed :

"We agree in opinion with your Lordship on the propriety of holding out such advantages to our chief servants, civil and military, as may open to them the means of honourably acquiring a competency in our service,"

and then hinted at thinking out some other means to that end. The letter reached Bengal in December, 1766, shortly before Clive's departure. Clive complied with the orders of the Company rather reluctantly. In its Letter to the Court, dated the 24th January, 1767,<sup>3</sup> the Select Committee, while communicating their compliance with the Court's orders, explained the reasons behind the plan, perhaps with a view to inducing them to revise their

<sup>1</sup> H. Verelst, *op. cit.*, p. 109.

<sup>2</sup> *Vide Fourth Report from the Committee of Secrecy. (1772-73), App. No. 45, for extracts from the Letter.*

<sup>3</sup> Paras. 20-24, *Bengal Letters Received*, Vol. 7 (L. O. R.).

decision.<sup>1</sup> In the meantime it was resolved to terminate the monopoly of the Society at the conclusion of the current year of its operation, that is, on the 1st September, 1767, which was later on extended for another year on representation being made by the Committee of Trade to give the society sufficient time 'to collect their debts and realise their capital.'<sup>2</sup> This letter, however, produced no effect on the Directors who in their letter, dated the 20th November, 1767,<sup>3</sup> reiterated their orders of the previous letter. At the same time, however, as a compensation for the loss of profits from private trade and "as a reasonable encouragement to exert themselves with zeal and alacrity in their several departments" they directed that a sum amounting to two and a half per cent of the net revenue of Dewanny should be earmarked each year and distributed among the superior civil and military servants, the share of each depending upon rank. Thus out of a hundred shares into which the sum was to be divided, the Governor was to receive 31 shares, the Second in Council 4½ shares, each member of the Select Committee not having a chiefship 3½ shares,

<sup>1</sup> Clive remained unconvinced of the wisdom of the step taken by the Directors and he exercised his influence with the Directors even after his return to England, though in vain. In course of a speech delivered in the House of Commons on 30th March, 1772, he observed :

"It was not expedient to draw the reins too tight. It was not expedient that the Company's servants should pass from affluence to beggary. It was necessary that some emoluments should accrue to the servants in general, and more specially to those in superior stations, who were to assist in carrying on the measures of government. The salary of a Councillor is, I think, scarcely 300*l* per annum, and it is well known that he cannot live in that country for less than 3,000*l*. The same proportion holds among other servants. It was requisite, therefore, that an establishment should take place, and the Select Committee after the most mature deliberation, judged that the trade in salt, betel-nut and tobacco under proper regulations, might effectually answer the purpose."

(*Vide* J. Malcolm, *op. cit.*, Vol. III, p. 100.)

<sup>2</sup> *Vide* extracts of *Bengal General Consultations* from 27th July, 1767 to 7th October, 1768, in 'Fourth Report,' App. Nos. 46-50.

<sup>3</sup> Paras. 88-90, *Bengal Despatches*, Vol. III (I. O. R.).

other members of the Council  $\frac{1}{2}$  share, the Resident at the Durbar  $4\frac{1}{2}$  shares and so on (*vide* paras 105-118 of the Letter). It may be noted that here they followed in the footsteps of Clive in ignoring the claims of the inferior grades of servants except for a small increase in pay for some military servants of lower ranks such as Captains, Lieutenants and Ensigns and also in the matter of allocation of the shares in accordance with rank. With this we may close the episode of private inland trade of the Company's servants.

*Some General Observations on the Position of the Company  
and its Servants*

Before we conclude the chapter we may venture some general observations on the position of the Company and its servants on a review of the events of this period. We have dealt above with the subject of private trade of servants at what may appear to be an undue length. That is because, in our opinion, it symbolises the general confusion which was the result of a maladjustment between the real position of the Company and its servants in the polity of Bengal at that time and the role they actually went on playing. Clive diagnosed the malady correctly but could not choose the right remedy, or rather applied it haltingly. Both in respect of the acquisition of Dewanny and his plan of 'Society of Trade' he may be said to have stopped half way, instead of following up his course to its logical conclusion. Of course it may be said in his defence that he had to deal with a Court of Directors who, being far removed from the scene, were unaware of the real situation in Bengal and therefore dreaded any radical reform. The fact of the matter was that the whole system was now in a state of unstable equilibrium. The Company was not, as yet, quite sure of



its position, so unexpected it had been, to them. That explains their halting approval of Dewanny, and the refusal to undertake its obligations and responsibilities even after its acquisition. They were overtaken, as it were, by a spirit of defeatism. They could not get rid of their "merchant-mindedness," if we may use such a term, and enter into a new complex of rulership by facing the realities of the situation. That is why they grudged paying decent remuneration to their servants thinking that it would eat into their dividend. Had they realised their true position, they would have recognised it as an elementary principle of public administration that public servants must be adequately paid to be induced to put forth their best, to keep them from temptation and to ensure a high level of conduct which may be said to be the first condition of stability of government. But instead of that, they looked upon their possessions in Bengal as a part of their capital assets and wanted to utilise it to swell their dividend. This was the root cause of all the evils in the Company's administration in this period. The servants of the Company looked upon themselves less as public servants, than as privileged private traders, so to say, who did some work for the Company also for a small consideration. It is no wonder, therefore, that they degenerated into a band of fortune-hunting adventurers, lost to all sense of public morality, particularly in the "masterless confusion" that prevailed in Bengal at the time. To sum up the situation in the words of Robert Grant<sup>1</sup> :--

"The regular emoluments of the service, at that period, bore no proportion to the great and the increasing importance of the functions exercised by the servants; and it is the too common vice of mankind to seek, in indirect and oblique gain,

<sup>1</sup> R. Grant, *op. cit.*, Ch. II, p. 245.

compensation for an unjust abridgment of their legitimate profits. At the same time, the temptations arising from this cause were strengthened by the extreme facility of malversations, under a system which was as yet unfurnished with the check of an effectual responsibility, and among a people with whom venality had wholly lost its reproach."

## CHAPTER IV

### THE COMPANY'S CIVIL SERVICE—FROM TRADERS TO ADMINISTRATORS

#### *Failure of 'Double Government'*

Clive left Bengal in the early part of 1767 and was succeeded by H. Verelst as Governor. It has been seen that the policy of Clive during his second term of administration, which had the fullest concurrence of the Court of Directors, was to render the Company "the spring which concealed under the shadow of the Nawab's name" would secretly give "motion to the vast machine of government" and the upshot was the "double government." Although Clive left Bengal in a mood of self-complacency, as would appear from the Select Committee's letter, dated the 24th January, 1767 (already referred to), very soon, however, the system was found to be hopelessly unworkable. Bengal once again relapsed into the state of anarchy and confusion which Clive had been sent to remedy. The servants of the Company went on with their private trade with renewed vigour. The revenue and judicial administration, being in the hands of the native collectors subject to the remote and perfunctory control of the Resident at the Durbar and the Supreme Council, continued as corrupt as before. The causes of the failure of the system have been ably analysed by Sir A. Lyall. He observes<sup>1</sup> :—

"The essence of executive government is to be one and indivisible, so that the machine will not run unless all the driving power centres ultimately under

<sup>1</sup> Sir A. Lyall, *op. cit.*, Ch. X, p. 176.

one prime mover, whether it be an autocratic prince or a democratic assembly. In Bengal the outcome of this divided responsibility after Clive's departure, was masterless confusion. The magistracy, the police, and the revenue officers, being diverse bodies working upon different systems with conflicting interests under no common head, vied with each other in mismanagement; there were no positive laws and there was very little justice in the country. Moreover, the three Presidencies made wars and alliances independent of each other: The Company's standing army in Bengal amounted to over 11,000 men, and the increased civil and military establishments involved expenditure that entrenched greatly upon the funds for commercial investment."

The result of the system of 'double government' was absolute confusion and anarchy. The country government had been demolished in substance though not in name, but was not yet replaced by a settled and regular government. As is to be expected under such circumstances, the people were subjected to systematic plunder and oppression by the strong, their economic resources were drained, the revenues of the Government fell, and the investment of the Company underwent a decline.

Both the Court of Directors and the Bengal Board felt that things could no longer be allowed to drift and that something must be done. But they did not know what should be done. What was wanted was a thorough overhauling of the system of administration, which had practically broken down, and this was ultimately achieved by Hastings. But the Directors, as is natural to a body of commercial magnates and placed at too great a distance from the scene of occurrence to realise fully the true situation, dreaded any such innovation of a revolutionary character. Ultimately, however, hard pressed by circumstances,

the most important of which were, serious financial embarrassment and parliamentary pressure, they had to abandon much against their will the policy of aloofness and decide on the assumption of direct responsibility of administration from the country government. But before this momentous decision was taken some palliatives were tried within the framework of the existing system, which may be regarded as being an admission of its failure. As these have an important bearing upon the position of the civil service, or at least a section of it, we propose to attempt a brief review of these measures before we discuss the effect of the Company's decision to undertake administrative responsibility on its own shoulders. It may be noted here in passing that even after the decision, the Company's servants mainly remained commercial agents with the exception of those who were drafted to revenue or judicial work, and even some of these combined some commercial work with their administrative duty. It took some time to make a complete separation between the two branches of the Company's activity.

*The Scheme of ' Supervisors ' of 1769*

A section of the superior servants of the Company became impatient with the policy of non-interference pursued by the Company and advocated some measure of intervention in the administration. For instance, Mr. Holwell observed :—

“ We have nibbled at these provinces for eight years and notwithstanding an immense acquisition of territory and revenue what benefit has resulted from our successes to the Company? Shall we go on nibbling and nibbling at the bait, until the trap falls and crashes us? Let us boldly dare to be *Soubahs* (Governor) ourselves.”

Two other servants in very high positions gave vent to similar feelings though in a more moderate way. One was H. Verelst, the Governor, and the other R. Becher, the Resident at the Durbar. Verelst, in a letter written to the Bengal Board on the eve of his resignation of Governorship,<sup>1</sup> criticised the policy of the Directors in enjoining strict non-interference with the native agency. The argument on which Verelst based his criticism of the prevailing system was that the native officers were uncontrolled, while the Company received an immense revenue without possessing the means of protecting the people who paid. Verelst did not see any point in the objection of the Court to the employment of European agency on the ground of their ignorance and inexperience, because the employment of covenanted servants in the ceded districts had been amply justified. His experience as Resident or Chief successively in the ceded districts of Chittagong, Burdwan, Midnapur, as also the Calcutta Purgannahs brought home to him the marked contrast in the conditions as between them and the districts under Dewanny administration. This he attributed to two causes :—1. European supervision. 2. System of long-term settlement with Zemindars or hereditary landholders having a natural interest in the soil, instead of farming land by public auction to the highest bidders who turned out to be mere adventurers. Verelst, therefore, pressed for the approximation of the system of collection of revenue in the Dewanny districts to that in the ceded districts, which had thrived for a long time under the supervision and

<sup>1</sup> Letter dated the 16th December 1769. Vide H. Verelst, *A View of the Rise, Progress, etc., in Bengal*, App. XXVII, pp. 120-24. (See Appendix E for extracts from the letter). In this letter he draws attention to the revolutionary change in the position of the Company, disapproves of the Company's policy of non-interference, depicts its evil consequences, applauds the scheme of supervisors of which he was the author, assesses its prospects, and at the same time urges caution in going further in asserting sovereignty.

management of the covenanted servants of the Company. In this view the Resident at the Darbar, R. Becher, also completely concurred.

In course of a letter, dated May 24, 1769,<sup>1</sup> to the Select Committee he deplored the unsatisfactory mode of collecting revenue and the resulting confusion and advocated the introduction of the method followed in the ceded districts. But want of experience and knowledge of the intricacies of the existing system, as also of information regarding the true condition of lands, naturally made the Select Committee hesitant and nervous in experimenting in new measures, particularly in view of the known apathy

<sup>1</sup> *Vide Bengal Secret Consultations*, dated July 8, 1769, Vol. 9, Range A (I. O. R.), pp. 391-400.

Excerpts from the letter : -

"It must give pain to an Englishman to have reason to think that since the accession of the Company to the Dewannee the condition of the people of this Country has been worse than it was before : and yet I am afraid the Fact is undoubted, . . . . The Endeavour of all concerned to gain Credit by an Increase of Revenue during the Time of their being in Station without sufficiently attending to what future Consequences might be expected from such a Measure ; the Errors that subsist in the Manner of making the Collections, particularly by the Employment of Amils ; these appear to me the principal Causes why this fine Country which flourished under the most despotic and arbitrary Government, is verging towards its Ruin while the English have really so great a Share in the Administration . . . . . Whenever the Court of Directors shall think proper to avow the Management of the Revenues I think it cannot admit of Doubt, that the Plan to be pursued throughout the whole Country should be the same as is now practised at Burdwan ; viz. letting the Lands out to farm for at least three years with an assurance that those who behave well, and give proper encouragement to their Ryotts, should always have the preference in remaining Farmers of those Lands, when their Leases expired. This Method and English Gentlemen appointed to superintend the Collections, and administration of Justice has occasioned the province of Burdwan to flourish, when the Countrys adjacent to it under the Government of the Ministers are in a very declining state . . . . . Other necessary steps to be taken are to have as great a Check on the Collectors as you possibly can, and to endeavour to fix the Rate of Collections in such a Manner, that the Ryott may know as early as possible in the Season what the Collector has a right to demand of him, and no further demand should be made on any Account whatever, etc."

of the Directors to any innovation. But in 1769 on receiving a letter from the Court, dated the 11th November, 1768, which seemed to indicate a softening in its attitude and almost to permit them to make an experiment, the Select Committee felt encouraged and decided on an innovation. In the meantime they received also a joint letter from the President and the Resident at the Durbar, dated the 30th June, 1769,<sup>1</sup> giving to the Council most probably their views as noted above. At its Consultation held on August 16, 1769, they took into consideration the joint letter from the President and the Resident at the Durbar, and in view of the serious situation of the Company in Bengal, formulated a scheme of Supervisors as the remedy in the spirit of the Directors' Letter, dated the 11th November, 1768.<sup>2</sup>

### *Evils that led to the Appointment of Supervisors*

In support of the scheme the Select Committee observed among other things as follows :—

- “ The Committee are convinced that this degree of power without control, of knowledge without participation and of influence without any effectual counter-Action is too important and replete in the consequences to be vested in any three ministers or rather one single man (meaning Reza Khan) who, allowing him the clearest preference for integrity, ability and attachment among his countrymen,

<sup>1</sup> This letter itself cannot be traced in the manuscript Consultations, though there is a reference to it in the *Bengal Consultations* of 8th July, 1769 (India Office Records), p. 367, as follows :—

“ Read a letter from the President and Resident at the Durbar accompanied by an Extract of a letter from the Resident to the President and sundry accounts etc.”

“ Ordered that the letters be entered on the proceedings.”

<sup>2</sup> *Vide Bengal Secret Consultations*, Vol. 9, Range A (I. O. R.), pp. 469-505.



cannot be supposed superior to temptation; and at least ought not, in good policy, to be trusted so extensively and independently as has been necessarily the consequence of the present system; while the Company are in reality the principals in the revenues of this country, and the most interested in the good conduct of its government, every bar should be removed that tends to preclude them from a knowledge of its real state. In the above causes and others deducible from them, the Committee discerns with great regret, the original source and present inveteracy of many of those evils under which those provinces are at present oppressed.”<sup>1</sup>

They then proceeded to make out a case for interference by drawing attention to the corruption and oppressions of the native collectors:—

“ On an alarm of inspection or at the annual *poonah* they frame accounts to serve the occasion; or by involving them in confusion and ambiguity, waste time till it becomes too late to continue the process against them without hazarding new losses in the revenue; and thus the culpable not only escape punishment, but often obtain a prolongation of their appointments. Many flagrant grievances reach our ears, but in a country of such extent, there are doubtless many more concealed from us; and, what is equally true under our present disadvantages, they are and must remain, inexorable, we can neither redress grievances, nor effect improvements. With regard to the former, our distance, and our too indirect information through ministerial channels, set the offender beyond our reach, and the

<sup>1</sup> It is interesting to find the Committee speaking the language of modern science of government and public administration in dilating on the evils of absence of constitutional checks on the exercise of power a public by authority.

impossibility of having time and competent knowledge puts the latter out of our power.”

“Enough has been said,” they continued, “and more might be produced, to prove that the system established and now pursuing in the country is deficient in every particular that is requisite to defend and support the poor from the injustice and oppression of the strong; and to increase its value to its possessors by promoting the industry of the ryot and the manufacturer.....”

So they thought that it should be replaced by the system obtaining in the ceded districts under the supervision of covenanted servants of the Company and passed the following resolution :—

“That in every province or district, a gentleman in the service be appointed, with or without assistance, in proportion to the extent of the district, whose office or department is to be subordinate to the Resident of the Durbar and managed as is expressly set forth and defined in the following letter of Instructions.”

The details of the scheme were laid down in the letter of Instructions from the Resident at the Durbar, which was drafted by the President (H. Verelst) and unanimously approved by the Committee.<sup>1</sup> It was accompanied by detailed notes on each head for the guidance of the covenanted servants to be appointed Supervisors<sup>2</sup> who would be quite new to their task.

#### *Duties of Supervisors under the Scheme*

The duties of the Supervisors were clearly set forth in the instructions, subject to modification in future by the

<sup>1</sup> The “instructions” to the Supervisors will be found in Appendix F.

<sup>2</sup> In the Company's records the term ‘Supravisors’ has been generally used

Resident at the Durbar. They fall under five heads. They were instructed "to ascertain in a minute, clear and comprehensive manner" :—

1. A summary history of each district, from the period of Sujah Cawn (1726-39), the "era of good order and good government."

2. The state, produce, and capacity of the lands, with a view to preparing a good *Hustabood* or Rent roll based on personal and local investigation.

3. The amount of the revenues, the cesses or arbitrary taxes, and all demands whatever made on the ryot, by the Government or the Zemindar, with the manner of collecting them, and the general rise of every new impost.

4. The regulation of commerce, the illicit gains of *Pycars* (wholesale dealers), *Dallols* (brokers), etc., in the shape of *Nazzaranas*, brokerage, discount on rupees, etc.

5. Whatever might tend to obtain a knowledge of the abuses of and reform the administration of justice.

The task set to the Supervisors was thus of a Comprehensive character, embracing both the commercial and administrative spheres of activity of the Company. It will be noticed at the same time that the Supervisors were set the task not of actually administering, but making the groundwork by means of laborious research on which the administrative system could be built up. The authors of the scheme were quite aware that immediate assumption of the actual work of administration of such a vast country by the Company's servants without preparation, in other words, without collecting all the necessary information as regards the existing system and its abuses, would be attempting the impossible. The scheme of Supervisors was designed to prepare the ground

for the eventual assumption of the responsibility of actual administration by the Company's servants. . . .

The idea was no doubt excellent and laudable, and underlying the instructions there is a lofty note of idealism, as would appear from the following extract with which the letter of instructions concludes ; but it was perhaps too idealistic to be realised in the then existing state of the country :—

“ Your commission entrusts you with the superintendence, and charge of a province whose rise or fall must considerably affect the public welfare of the whole. The exploring and eradicating numberless oppressions, which are as grievous to the poor as they are injurious to Government, the displaying of those national principles of honor, faith, rectitude and humanity which should ever characterise the name of an Englishman ; the impressing the lowest individual with those ideas and raising his heart from oppression and despondency to security and joy, are the valuable benefits which must result to our nation from a prudent and wise behaviour on your part. Versed as you are in language, depend on none where you yourself can possibly hear and determine. Let access to you be easy and be careful of the conduct of your dependents. Aim at no undue influence yourself, and check it in all others. Great share of integrity, disinterestedness, assiduity and watchfulness is necessary, not only for your own guidance, but as an example for all others ; for your activity and advice will be in vain, unless confirmed by example. Carefully avoid all interested views by commerce, or otherwise, in the province, whilst on this service ; for though ever so fair and honest it will awaken the attention of the designing, double the labour of developing stratagems, and of

removing burdens and discouragements with which the commerce of the country in general has been loaded. You have before you a large field to establish both a national and private character ; lose not the opportunity, which is to be temporary only, for your whole proceedings will be quickly revised ; a test which the board consider due to themselves, as a confirmation of the propriety of their choice ; to you, an act of justice to your conduct ; and to the public, for the security of its interests..... ”

*The Scheme Approved and Enforced (December, 1769)*

The scheme being approved by the President and Council was given immediate effect. In a letter, dated the 10th December, 1769, the Resident at the Durbar was informed of the appointment of the first Supervisors and their posting in the different districts. From the Consultations of the Select Committee held on the 15th December, 1769, it appears that they felt very optimistic about the results of their scheme. They issued some further instructions, viz. —that

“ the supervisors be enjoined to avoid all appearance of pomp and parade whatsoever. That it be recommended to them to pursue a system of economy in all their measures, and that each supervisor be directed to transmit monthly an account of all his expenses to the Resident at the Durbar in order that the Committee may hereafter be better able to judge what allowances should be made to them, in their respective stations.”

At the same time the Committee modified an important condition of their employment by conceding to them the

right of private trade<sup>1</sup> which was forbidden in the original letter of instructions, because they thought it would not be expedient "to restrict the Supervisors from the general benefit of Trade, so long as it does not rise to the one (*i.e.*, monopoly) or counteract the other (commerce)."

As regards the status of the Supervisors it was decided that all the Supervisors except the one at Dacca should be under the immediate direction and control of the Resident at the Durbar<sup>2</sup> at Murshidabad for Bengal and the Chief at Patna for Bihar. The reason why the Supervisor at Dacca was excepted from the rule was that he happened to be a member of the Bengal Board.<sup>3</sup> So far as their relations

<sup>1</sup> Subsequently they were again forbidden the right under orders of the Court as follows : --

"During his continuance in such station, he be not directly or indirectly engaged or interested in carrying on any trade in the districts committed to his care . . . ."

(General Letter of the Court to Bengal, dated the 25th March, 1772, *Bengal Despatches*, Vol. VI (I. O. R.).

<sup>2</sup> The functions of the Resident at the Durbar were stated as follows by the Select Committee in a letter to the Court, dated January 24, 1767:

"As to the functions of the office of Dewanny they have since we came into possession, been exercised, as you direct, by the Resident at the Durbar, who acts as Collector of the King's revenue under the inspection and control of the Select Committee. In conjunction with Mahomed Reza Cawn, (Naib Dewau) he superintends the whole collections, receives the monthly payments from the Zamindars; disburses the stated revenues appropriated to the King and the Nabob; inquires into the causes of deficiencies; redresses injuries sustained or committed by the officers of the revenue and transmits the accounts of his office, the invoices of Treasure, and a monthly account of the Treasury, with every other occurrence of importance to the President and Select Committee."

In short he was the connecting link between the Country Government and the Company in revenue matters.

(Para. 5 of the Letter, *Bengal Letters Received*, Vol. 7 (I. O. R.).

<sup>3</sup> His relation to the Resident was clarified in a letter from the Select Committee to the Chief of Dacca in reply to a reference made by the latter on March 1st, 1770, on the point. The Committee observed :—

"The ultimate judgment of your conduct should rest with us, though your first instructions and future directions are to proceed from the Resident at the Durbar. To define our meaning in the most express terms, wherein

with Indian collectors and revenue officers were concerned they were given a negative voice both in revenue and judicial matters, the last word remaining with the Resident at the Durbar. On the positive side their function was to carry on research, as we have already noted, into the state of the country, conditions of the people, the mode of collection of revenue and so on, and in this task they met with opposition from, instead of receiving the co-operation and assistance of, the Indian officers who could alone deliver the goods.

*Constitutional Significance of the Scheme of Supervisors*

The constitutional significance of the scheme of Supervisors lies in the fact that it formed the nucleus for the first time of a British administration in the proper sense of the term. In these Supervisors we find the predecessors of the present-day district officers. In devising the plan Verelst was prompted by the motive of meeting the obligations of the Company both by the native rulers and the people. But the plan was perhaps too ambitious and not based on a proper appreciation of the realities of the situation. The remarks of Sir W. Hunter on this subject, made in a rather sarcastic vein, are worth perusal in this connection. He says <sup>1</sup> :—

“ They were to proceed to the investigation of the land tenures and of the revenues, to distinguish rapidly and infallibly between customary cesses and illegal extortions, to submit a scheme for the

the Directions of the Resident coincide with your opinion you will comply therewith, when a difference of sentiment arises, the question must be referred to our decision.”

(*Vide Bengal Secret Consultations*, dated the 29th March, 1770, Vol. 10, Rango A (L. O. R.), pp. 112-113.)

<sup>1</sup> W. W. Hunter, *The Annals of Rural Bengal* (1868), Vol. I, Ch. V, pp. 263-64.

administration of justice, to draw up a list of the products of the province, to report on its commercial capabilities, not forgetting an exhaustive account of the means of developing its internal resources, with suggestions for removing those multitudinous obstructions between the producer and the consumer, which had so fatally damped the spirit of industry under Mussalman misrule. Their leisure hours, which the Council seems to have expected would hang heavily, the supervisors might beguile by acting as fathers to the people, protecting the weak against the strong, helping the cultivators to improve their land, the merchants to extend their trade, the manufacturers to increase their products, and all classes to be wiser and better than before.

“In short, the supervisors were expected to accomplish more than they could possibly do and the result was that they did less than they might have done.”

### *Difficulties in Actual Working*

The scheme received the blessings of the Court of Directors, and like its authors they also built high hopes on it. In a letter, dated the 10th April, 1771, to Bengal (Para. 64) the Court observes : —

“It is with pleasure we observe that the appointment of supervisors, to examine into the state of the Provinces (under the Instructions which our late President has with so much judgment and success laid down for their guidance) may be productive of so general a reformation of the abuses which are the immediate objects of our concern, that we have little to add to our preceding orders and regulations—we therefore wait, with impatience, for the



issue of the supervisors' researches, in full hope that our President and Council will have adopted such measures as shall unite with our views, not only for the Company's interests, but for the good of the Country from which we receive so great advantages."

Within a very short time, however, practical difficulties were experienced in its working. The interposition of the Supervisors was found to interfere with the collection of revenues. R. Becher, the Resident, who was himself associated with the scheme at its inception, now represented to the Select Committee that its enforcement should be delayed for one year and the powers of the Supervisors should also be modified for the present.<sup>1</sup> He had reports of difficulties from the officers of the Government and forwarded in translation a copy of a letter from Muhammad Reza Khan to the Select Committee. He pointed out that the Zemindars, Aumils and Farmers were unwilling to enter into any engagements for the next season unless they could be assured of being able to make their collections without hindrance from the Supervisors. He, therefore, urged on the Council the necessity of withdrawing the controlling authority over the collectors which had been vested in the Supervisors by their orders of the 15th December, 1769.<sup>2</sup> He did not propose to do away with the Supervisors who might be employed for the present, "in the encouragement of trade ; assisting the government officers in the administration of justice ;

<sup>1</sup> *Vide* R. Becher's letter to the Select Committee, dated the 2nd June, 1770, *Bengal Secret Consultations*, dated the 9th June, 1770, Vol. 10, Range A (I. O. R.), pp. 348-356.

<sup>2</sup> "In anticipation of the Committee's sanction he had issued revised instructions to one of the Supervisors, Mr. Rider, on his first proceeding to Kishnagore and requested the Committee to issue similar ones to all the others as well. These were as follows :—

"It is necessary to acquaint you that it is not the intention of the President and Council to alter the present form of Government, but, that the gentlemen employed by them as Supervisors are to support the authority of the

recommending the cultivation of waste lands and clearing jungles, in taking accounts of the last year's collections, as far as can be done without interfering with the present,—and in obtaining a knowledge of the country and its capacity for improvement— all of which will be of great service when we come to step forward in the administration of Government in Bengal which I presume will be the case ere long."

In other words, in his view, for the present the Supervisors were to play second fiddle to the officers of the Country Government, being their coadjutors instead of being inspectors, as was the original idea. But the Select Committee remained unconvinced by these representations of the Resident and described the opposition of Indian revenue officers as "the last stake of desperate men who have long feasted on the spoils of the poor native." The Resident, however, reiterated his representation more forcefully in another letter to the Committee on the 21st June, 1770, on which the Committee revoked their previous resolution and acquiesced in the desire of the Resident to withdraw from the Supervisors their controlling authority. This practically meant the collapse of the scheme of Supervisors, because even the limited powers of supervision and control vested in them which constituted the only justification for their existence were now withdrawn. Within a short time, however, they began to exercise despotic powers, as will appear from Hastings' remarks about them in his letters.

Government officers ; in whose names or that of the Rajah all orders are to be issued and proper respect to be paid to them—at the same time the Supervisors are to recommend such Regulations as appear necessary for the welfare of the Country and the benefits of your employers advising me whenever the officers of the Government refuse to acquiesce in what you propose, that I may if I find it expedient apply to the ministers to issue their orders for enforcing the measure, etc., etc."

*Causes of Failure of the Scheme of Supervisors*

The first and foremost among the "causes of failure of the scheme of Supervisors to fulfil the desired objective was their lack of training for the heavy and miscellaneous duties laid upon them and the absence of requisite knowledge and information necessary to check the native officers. They were all on a sudden called up from their purely mercantile duties to tackle the problems of an intricate and complicated administrative system, which, by the way, was in a tottering condition and required delicate handling. Secondly, far from securing the co-operation of the native officers in obtaining all necessary information they met with every form of obstruction from them. Naturally it became almost impossible for them to carry on that elaborate research which they were called upon by their Instructions to do.

It is on these two grounds that Mr. Becher in his letter, dated the 2nd June, 1770, to the Select Committee, referred to above, expressed his misgivings about the efficacy of the experiment and enjoined caution in giving effect to it. He wrote :—

“ The point with me, is to judge whether young Gentlemen, with little Experience themselves, attended by Black Dependents, and Banians chiefly from Calcutta, and of course unacquainted in the Affairs of the Collection are capable to manage the Revenues and counteract the various obstructions that will undoubtedly be thrown in their way ? To me it appears not..... ”

Thirdly, the negative character of their function and the division of duties between themselves and the collectors weakened their sense of responsibility. Moreover, they were too few in number to keep a general oversight over any single department, not to speak of exercising

full control over the whole internal administration as was expected of them. As Wheeler observes :—

“An Englishman placed alone in a large district surrounded by native influences of the worst character, was helpless to contend against the general corruption, and was often tempted to share in the spoil. Such appears to have been the fate of Verelst's supervisors.”<sup>1</sup>

Fourthly, another important factor that contributed to its failure was the practice of private trade by the Supervisors. They became much too engrossed in the pursuit of profit by private trade to devote much time or energy to their duties as Supervisors. Moreover, baffled by the obstruction of the native officers in their difficult and arduous task, they lost all interest in it and employed themselves more profitably in their private trade. Lastly, within a few months of their appointment the country was visited by one of the worst famines recorded in the annals of Hindusthan. Although no causal connection can be established between the two events, yet in the mind of their employers the two came to be associated with each other and the Company found fault with the system, particularly because a report reached them that some of the Supervisors were guilty of making enormous profits by a corner in grains during the famine. The Supervisors, however, continued to function, and from the latter part of 1772 under the new title of Collectors, with new functions as well, till the Court of Directors directed their withdrawal from the districts and replacement by native aumils.

### *Institution of Councils of Revenue at Murshidabad and Patna*

Before advices of the institution of Supervisors reached them, the Directors, haunted by the fear of Parliamentary

<sup>1</sup> J. T. Wheeler, *op. cit.*, p. 384.

intervention, racked their brains for devising means for setting their affairs in Bengal straight. One of the devices contemplated by them very well coincided with the scheme of Supervisors already introduced. In their General Letter, dated the 30th June, 1769, to the President and Council at Fort William,<sup>1</sup> the Directors drew attention to the increase of revenue from the Company's Zemindary and ceded districts as compared with those under Dewanny management. Attributing this to the more immediate supervision of collection by the Company's servants they resolved to establish a committee of some of their ablest servants for the management of the Dewanny revenues at Murshidabad for the Bengal province, and another at Patna for Bihar, with a contingent of junior covenanted servants for assistance, with a view to correcting abuses and collecting necessary information.

The members of the Councils were to be "Comptrollers for the management of the Dewanny revenue," under the direction of the Supreme Council and were to collect all information relating to the state of collection and also for exploring all avenues of economy in collection. The Select Committee resolved to give effect to these directions of the Court at its meeting held on the 27th January, 1770.

In September, 1770, the two Councils, one at Murshidabad consisting of four senior servants including two members

<sup>1</sup> *Vide* paras. 13-22 of the letter. It reached Bengal in January, 1770. The Court there gives minute directions for the constitution of the Councils as also the objects of setting them up, which are summed up in para. 22 as follows :—

"To sum up the whole of this subject in few words our meaning is to save what we can of the large salaries now paid to idle dependents appointed to nominal but useless offices by the Country Government and to lead you to such a knowledge of the real state of the Rents and cultivation of the several districts as may enable you to keep the tenants free from imposition and extortion and to give every possible encouragement to the Husbandman and the manufacturers."

(*Bengal Despatches*, Vol. 4, I. O. R.)

of the Supreme Council, and the other at Patna, consisting of three members' including a member of the Supreme Council, assumed office.<sup>1</sup> These continued to function till a complete reorganisation of the system of revenue and judicial administration was attempted by Hastings in 1772. The Supervisors were now placed under the immediate control of the Councils instead of the Resident at the Durbar and the Chief at Patna.

*The Plan of Enquiry by a Board of Commissioners  
for the Affairs of India*

But the Directors did not rest satisfied by sending directions for more careful supervision of revenue administration through the Revenue Councils. They wanted to take the wind out of the sail of the growing public opinion in England for Parliamentary interference into their affairs, by instituting a board of enquiry called Commissioners<sup>2</sup> for the Affairs of India consisting of three experienced servants of the Company—H. Vansittart, L. Sraffton and F. Forde—with plenary powers “to superintend, direct, and controul, conduct, manage and transact” “all the business, and affairs of the said United Company in and through all parts of India during the good will and pleasure of the said United Company.” In short, they were to carry out a thorough and detailed investigation in all the branches of the Company's affairs in India and during such enquiry were to pose as the Company itself. They were given detailed Instructions<sup>3</sup> under forty-seven heads and

“were to use and exercise all such powers and authorities incident or necessary for carrying these

<sup>1</sup> *Vide Bengal Secret Consultations*, dated 27th September, 1770.

<sup>2</sup> Papers connected with this Commission will be found in *Home Miscellaneous Series* (No. 204), I. O. R.

<sup>3</sup> Hastings' summary of Instructions to Commissioners will be found in M. E. Monckton Jones' *Hastings in Bengal, 1772-74* (1918), pp. 127-30.

powers into execution and for correcting all abuses, and obtaining the necessary reformation in the state of the Company's affairs, as well civil as military, throughout India,"

just as if they were the Company itself. The plan, however, petered out owing to an 'unfortunate accident, because the Commissioners were not heard of after passing the Cape of Good Hope, presumably having been ship-wrecked.

Ultimately when they were given up for lost, parts of the original instructions were sent to the President and Council in Bengal, to be executed by them in their respective departments as effectively as if they were the Commissioners.<sup>1</sup> The Bengal Board, in the meantime, constituted themselves into a Committee of Revenue for the better management of revenue affairs and met in that capacity for the first time in April, 1771.<sup>2</sup> But none of these devices was attended with the results wished for. The mismanagement and confusion continued as before.

### *The Company Decides to Stand forth as Dewan*

At last the Company came to the conclusion that nothing short of a total transfer of responsibility from

<sup>1</sup> *Vide* Court's General Letter to Bengal, dated 10th April, 1771 (Para. 82), *Bengal Despatches*, Vol. V.

<sup>2</sup> The Comptrolling Committee of Revenue, as it was officially known, was appointed by the President and Council on April 1, 1771, in pursuance of the directions of Directors to the Commissioners spoken of above, to deal with all revenue matters both in Dewanny and ceded districts instead of the Board. Their constitution and powers were defined in a letter from the President and Council to the President and members of the Comptrolling Committee of Revenue with extracts from the letter from the Court (Court's letter to the Commissioners, dated the 23rd March, 1770, para. 96) as enclosure.

(*Vide Proceedings of the Calcutta Committee of Revenue*, dated April 1, 1771, Range 67, Vol. 53 (I. O. R.), pp. 154-60.)

the Country Government to their own servants would improve the situation. At the same time they were also very keen on punishing the principal offenders in the old regime, and the two Naib Dewans were specially singled out for immediate arrest and imprisonment. For carrying out their wishes they deputed Warren Hastings, the man in whose ability they had the greatest confidence and who was appointed to the Governorship of Bengal in succession to Cartier early in 1772. In course of an important despatch to Bengal, dated 28th August, 1771, they wrote :—

“ It is therefore our determination to stand forth as Duan and by the agency of the Company's servants, to take upon ourselves the entire care and management of the revenues.....

We trust that in the office of Duan you will adopt such regulations and pursue such measures as shall at once ensure to us every possible advantage and free the Ryots from the oppression of Zemindars and petty tyrants under whom they may have been suffered to remain from the interested view of those whose influence and authority should have been exerted for their relief and protection.”

The letter reached Bengal on the 14th of April, 1772, almost simultaneously with the assumption of charge of Governorship by Hastings. It will be noticed that the Directors did not give any definite instructions as to how their intentions were to be carried out. The difficult task of building up an entirely new structure on the ruins of the old one, and that too without the necessary equipment, of bringing order out of chaos devolved upon Hastings who, however, set about the task immediately with singular courage and resourcefulness.

His private letters of this period show that he was only too conscious of the formidable difficulties confronting



him, but he faced them boldly and squarely.<sup>1</sup> He effected reforms both in the administrative and commercial branches of the Company's affairs, because, in his view, it would be meaningless to attempt reforms in one field alone, the two spheres being now so much interlinked and manned by the same service. The administrative branch again had two distinct facades not separable from each other, *viz.*, revenue and judicial. Although, in theory, the Company had become only the collector of revenue, inasmuch as civil justice formed a part of the revenue administration under the system prevailing in the country, Hastings had to take up the problem of judicial reform as well, along with reorganisation of revenue administration.

We shall now briefly discuss the reform measures of Hastings in these difficult fields and assess their effect on the constitution of the Company's civil service. As a pioneer, Hastings had to proceed rather haltingly and cautiously. He has himself admitted in a private letter to a friend that he was engaged in making only 'chops and changes' and not a drastic overhauling of the whole system at once. We find him adopting different systems at different periods. This process of experimenting went on even after his regime and was completed by Lord Cornwallis.<sup>2</sup> Before dealing with his measures of revenue

<sup>1</sup> *Vide* particularly in this connection his letters, dated the 22nd and 26th March, 1772, to the Chairman of the Court of Directors. (M. E. Monckton Jones, *op. cit.*, pp. 146-52.)

<sup>2</sup> The following excerpts from a letter written by Hastings to his trusted Councillor, Barwell, on July 22, 1772, will be of interest in this connection :—

"In many cases we must work as an arithmetician does with his *Rule of False*. We must adopt a plan upon conjecture, try, execute, add, and deduct from it, till it is brought into a perfect shape. Yet this mode is liable to many inconveniencies."

Why he adopted this method, fully conscious as he was of its imperfection, he explains as follows :—

"The new Government of the Company consists of a confused heap of undigested materials, as wild as the chaos itself. The powers of

and judicial reform we shall discuss what he did in the matter of putting an end to trade abuses.

*Hastings's Reform measures,—Commercial reform.*

Although very soon trade was to become a secondary occupation to the Company and administration the primary, as yet the Company attached very great importance to their investment<sup>1</sup> on the profits of which they mainly depended for their dividend. Thus the Court in their letter, dated the 23rd March, 1770 (para 22) observes :—

“ As the matter of Investment is of the greatest importance to our interest, because on that alone depends our prosperity and existence, we have bestowed very great attention to the goods which answer best at this market etc.”

It was quite natural therefore that on the eve of embarking on a momentous experiment in the fields of revenue and judicial administration Hastings should apply his reforming hand to the trading branch also, which suffered materially, as we have already seen, from the prevailing confusion during the period since 1757. It was now time to re-organise the system on the basis of the Company's new responsibility as the protector of the people. So long the interests of the Company as well as of its servants

government are undefined ; the collection of the revenue, the provision of the investment, the administration of justice (if it exists at all), the care of the police are all huddled together, being exercised by the same hands, though most frequently the two latter offices are totally neglected for the want of knowing where to have recourse for them. Added to the difficulties attendant on the arrangement of each, we have them all to separate, and bring into order at once, etc.”

(G. R. Gleig, *Memoirs of the Life of the Rt. Hon. Warren Hastings* (1841), Vol. I. pp, 316-17.)

<sup>1</sup> This is evidenced by the fact that in every Despatch of the Court an important section was devoted to the heading “ Investment.”

and those of the Government ran counter to each other. The aim of the servants of the Company was to secure goods cheaply whether on their own account or for the Company. This led to some amount of exploitation of the ryots who were in consequence unable to meet the revenue demands of the officers of the Government, which were, of course, not always legitimate and equitable. The result was constant friction and the ryots fell victims to two-fold oppression. Of course the Company, backed up by the strength of military supremacy, got the best out of the bargain. The revenues of the Government suffered grievously, as we have already noted, from the abuse of *Dustuck* by the Company's servants. The Company was not quite indifferent to these prevailing abuses and as early as April, 1771, sent detailed instructions to the President and Council in Bengal for reform of the abuses.<sup>1</sup>

“ From a conviction that the most effectual means to restore and invigorate the trade of Bengal will be the opening every proper channel for its extension and giving it that General freedom which is so necessary to encourage the industry and attract the attention of the Natives we can no longer permit our Servants of any rank or station whatever to enjoy the exclusive privilege of *Dustucks*. And here when we speak of *Dustucks* you are to understand not only *Dustucks* but *Rowanahs*, *Perwannahs*, orders, letters or any other powers or favours which may be conferred and which can in any way yield an influence or superiority in favour of one more than another, and this without the least distinction to nation or complexion.

“ It is therefore our pleasure that all *Dustucks* be immediately withdrawn and that native merchants

<sup>1</sup> Extracts from the Court's General Letter to Bengal, dated 10th April, 1771. Vide *Bengal Despatches*, Vol. V. (I. O. R.) pp. 480-87.

as well as Europeans under our protection may have every excitement (sic) to extend their views to the increase of that commerce which we have reason to fear has been long languishing under those discouragements which the privileged of our Servants have enabled them to lay on the general circulation of trade.

Persuaded as we are that the internal and external traffick of Bengal has received further checks from the duties which are levied and the exactions which are imposed at petty chokeys, we positively direct that no such chokeys be suffered to continue (on any pretence whatever) to impede the course of commerce from one part of the Province to another.

It is however necessary that the nine General Chokeys which have been established for collecting the duties payable to the Circar should remain and those only and that a person on the part of the Nawab should reside at each Chokey to receive the usual and established tolls and that one or more of our civil servants, on behalf of the Company, as Duans, should be stationed at each Chokey, to superintend the receipts, keep proper registers of all collections, and take care that no impositions or irregularities be committed.....

It is our positive injunction, that no extraordinary tolls be levied, and no obstructions or unnecessary delays be given to their passage, so that they may not have any just cause to complain of arbitrary proceedings or any undue exercise of our power as Duans.

With respect to the natives or all others under our jurisdiction we further direct that no oppressions or impediments be laid on their traffick up and down

the river, but that upon their conforming to ancient customs and paying the established duties the passage of their goods be facilitated by all possible dispatch."

They were not unmindful of the loss accruing to their servants from the withdrawal of the privilege of 'Dustucks' and provided for a reasonable compensation. They wrote :

"We direct that for all duties which may be paid by our servants of the several ranks to which we before allowed the use of Dustucks, certificates be granted them by the Collectors at the established Chokeys and upon their making affidavit that the goods on which such imposts were levied, were on their own account and not directly or indirectly the property of any other person whatever, you are to transmit to us an account, for one year, of all such certificates distinguished under the different ranks and denominations of our respective servants, the better to enable us to judge what gratification it may be proper for us to bestow, as an incitement to their diligence and to the faithful discharge of their several duties."

Hastings's measures of commercial reform were mainly based upon these directions. Now that the Company gave out their intention of taking upon themselves the responsibility of the administration, the problem assumed altogether a new aspect. The conflict of interests between the Company as a trader and the Government now ceased. The two interests merged together in a common stream. The welfare and prosperity of the people became now the supreme concern of the Company on which depended their trade profits as much as revenue. It was from this new angle that Hastings approached the question as also the other question of administrative reform. As a matter

of fact it was but a part of his comprehensive plan of reform and reconstruction and is not to be viewed in isolation.

In the first place, the system of providing investment through *gomostahs* or native agents who practically bound down producers to deal exclusively with themselves was replaced by what was known as the *Dadni* system, that is, ready cash purchase by contract with *Dadni* merchants (Wholesalers) on the basis of a sort of competitive tenders. This was calculated at once to free the weavers from the bondage and oppression of *gomostahs* and at the same time to stimulate production by free competition. Hastings adopted this method rather reluctantly in pursuance of the Directors' orders, because his experience in Madras about the *Gomostah* system was quite favourable and he was rather sceptical about the efficacy of the other method.<sup>1</sup> The success of the system, of course, much depended upon the servants of the Company in charge of investment, viz. the commercial residents or chiefs of factories. At the head of the commercial branch of the Company's affairs he created in December, 1773, a new office called 'the Comptroller of the Investment' and selected a superior servant of the Company who had special experience in this field, having served as the President of the Committee of Commerce.

This was the first step in the process of separation between the two branches of work and service of the Company. Hastings believed in specialisation. As Monckton Jones observes<sup>2</sup>:—

"Hastings was a believer.....in the policy of the strong man in the right place. 'Choose your man carefully for his task,' he might have said, 'seeing

<sup>1</sup> Vide Letter, dated the 10th January, 1772, Postscript, dated March 27, 1772. Paras 2-5, "Bengal Letters Received" Vol. X (I. O. R.).

<sup>2</sup> M. E. Monckton Jones, op. cit. p. 223.

to it that he has the special knowledge required, and then give him a powerful incentive and a free hand ; ' such at any rate was his practice in the cases of the salt management, the bank, and in negotiations with his neighbours.".....

He justifies the creation of the new office in the following words:<sup>1</sup>—

“ The business of your Investment, which we have always regarded as the most interesting in its consequences, being nevertheless in its detail little subject to the immediate inspection of the Board, and the multiplicity and variety of the other objects which necessarily engross our attention rendering it still more difficult to attend properly to that branch, especially since the absence of several of our members at the chiefships, we thought it expedient to consign to the care of one of our number particularly..... ”

From the letter of the Court, dated the 10th April, 1771, (extracts quoted above) it appears that the Directors insisted on the policy of freeing trade from all sorts of restrictions as the only way to prosperity of the people and consequently of the Company. Of such restrictions there were only too many. First of all, there was the privilege of the Dustuck for European servants of the Company establishing virtual monopoly in certain trades. Secondly, there was the network of petty chokeys, (*i.e.* custom houses) sprinkled throughout the length and breadth of the land. Last but not the least, there were numerous vexatious imposts levied not only by the Nizamut, but by the Zemindars and other farmers and even their agents.

<sup>1</sup> *Vide* Letter to Court, dated December 30, 1773, (para 8) “ *Benpul Letters Received*,” Vol. XII, p. 175.

The Directors advised in the above letter to make a clean sweep of all these restrictions on trade. The orders were now carried into execution.<sup>1</sup> An advertisement was issued notifying the abolition of Dustucks with effect from the 12th of April, 1773. In pursuance of the Court's direction, privilege certificates were to be issued to such servants as had hitherto been entitled to the privilege, upon their paying along with other merchants the duty of  $2\frac{1}{2}$  per cent, and upon their declaring that the goods were their own property. A register of such certificates was to be sent to the Directors to determine the mode of compensation for the loss sustained by such servants through the loss of the privilege, which placed them, in the opinion of the Council, at a disadvantage by the side of Free Merchants. The Council pleaded for suitable compensation for such servants with a view to stimulating their loyalty and zeal. All the Customs houses, except the five central ones, were abolished and new customs regulations were issued by the Board of Revenue on March 23, 1773.<sup>2</sup>

• It passed a number of "resolutions for the future Establishment and Regulation of the duties of the country government." A uniform duty of  $2\frac{1}{2}$  per cent, distinct from the Company's duty paid in Calcutta, was to be payable on all goods except the monopolies of salt, betel-nut and tobacco by all alike, even the Company and its servants not excepted. A Board of Customs consisting of a member of Council and four senior servants at the Presidency, was formed to inspect, regulate and control the business of the customs. The main features of the

<sup>1</sup> *Vide* Letter to Court, dated February 27, 1773. (Paras 16-17) quoted in M. E. Monckton Jones, op. cit., p. 239.

<sup>2</sup> *Vide Bengal Revenue Consultations*, dated March 23, 1773, Range XLIX Vol. 38, pp. 1038-1048, (I. O. R.)



new regulations may be summed up in Hastings's own words as follows<sup>1</sup>:—

“ The plan of Customs which I sent you with my last despatches has been since completed, and a Board of Customs formed to superintend it. It is simple : the expense reduced, all the inferior chokeys withdrawn, and the goods, after one payment, free to go wherever the owners please without molestation. The dustuck will be abolished the 12th of this month, which will put an end to that distinction, which seems to have been the chief cause of oppression to the unprotected traders. I venture to pronounce it a good regulation, and the first effectual step to that free trade which I know you have much at heart.”

*Separation between Revenue and Commercial branches,—  
constitution of a Board of Trade.*

We have referred above to the institution by Hastings of a new post of the Comptroller of the Investment and seen that it was actuated by his belief in specialisation as contributing to efficiency. The Directors also endorsed the idea, and in their letter to Bengal, dated the 29th of March, 1774,<sup>2</sup> advised the formation of a Board of Trade consisting of eleven senior covenanted servants of the Company vested with plenary powers for the management of trade affairs only. The Board was to be vested with powers of appointing subordinate servants in the commercial branch with full disciplinary control over them. There was to be a clear-cut division between the two branches

<sup>1</sup> Letter to Sir George Colebrooke, April 3, 1773, in G. R. Gleig, *op. cit.*, Vol. I, pp. 307-308.

<sup>2</sup> *Vide* paras 4-5 of the Letter (I. O. R.). “*Bengal Despatches*,” Vol. 7, pp. 52-57.

of the service engaged in commercial and revenue work, each being recruited on the basis of special aptitude shown in the respective fields. In justification of this step the Directors wrote:—

“As the welfare of the Company must in a great measure depend on the proper management of their commercial affairs in Bengal and particularly on receiving well-chosen investments, in order that those valuable purposes may be answered we have judged it expedient to establish a Board of Trade; and thinking it incumbent on us to avail ourselves of the abilities and experience of our late Council, we therefore direct that Samuel Middleton, etc..... being our eleven senior civil servants, be our Board of Trade, for managing, conducting and transacting our trade and commerce in Bengal, Bihar and Orissa; and we hereby empower our said Board of Trade to appoint subordinate officers and agents under them from amongst our covenanted servants only; and to suspend or remove any such officers or agents when they shall find it necessary for our interest so to do; but in every appointment made by our Board of Trade, we direct, that *they do not require any person who shall be employed by the Governor General and Council in the collection or management of the revenues, to execute any office under the said Board, it being our intention, that none of our servants shall hold employments in those different departments at the same time.*”

They directed seven members of the Board to be posted at the Presidency and four to be chiefs of subordinate factories or Residents at the *Aurangs*, but no such chief or resident was to be at the same station for more than three years successively, the idea being perhaps to

prevent the growth of undue influence and vested interests. The Board was to assemble twice a week, and the proceedings were to be recorded. On the allocation of civil servants to the one or the other branch of work they observe<sup>1</sup>:—

“ We direct that in the collection and management of the revenues you continue such of our servants, as are or have been employed with reputation in that Department; and that you leave under the direction of our Board of Trade those of our servants whom they may report to you as skilled in the provision of the Company’s investment.”

Having provided for the selection of servants with due care, they took care to fix decent emoluments for the members of the Board. The President was to receive £2,000 sterling per annum, and each member £1,500 by quarterly instalments, which sums “ were to be in lieu of commission upon the revenues and in full for salary, diet money and every emolument except such advantages as may arise from carrying on a legal trade,” and the President was to enjoy, besides, a commission on coral and diamonds. The Board of Trade thus constituted in 1774, continued to function<sup>2</sup> and was later reorganised by Lord Cornwallis, as we shall see. Hastings’s appointment of a special officer in charge of investment was thus carried a step forward. From now the organisation of the Company’s service underwent a definite bifurcation, although it took some time to make it effective.

### *Revenue Reforms*

The administrative machinery set up in pursuance of the directions of the Court in their letter of the 28th of August,

<sup>1</sup> Para. 5 of the Letter.

<sup>2</sup> It came to an end in 1835, on the trading functions of the Company being abolished by the Charter Act of 1833.

1771, referred to above, was completed by stages through a series of experimental measures. The process of its growth may be conveniently traced through the following well-defined stages :—

(1) 1772—1773-74, (2) 1773-74—1780-81, (3) 1780-81—1786-87, (4) 1786-87—1793, (5)\* 1793 and after. In other words, the process was started by Hastings and completed by Cornwallis. Hastings applied himself to the work with singular earnestness and steadfastness of purpose. During the few months that he stayed in Bengal before taking charge of Governorship from Cartier in April, 1772, he studied carefully and minutely the general situation in Bengal and specific problems of administration as a preparation for the responsible work that awaited him. As a result of his laborious researches he evolved certain general principles suggested by his experience of the existing evils of administration which he applied in working out his reforms. These may best be put in his own words :<sup>1</sup>

“ The maxims which I laid down for my conduct, and by which it was invariably guided, were these:—

First, to implant the authority of the Company, and the Sovereignty of Great Britain in the constitution of this country, (this coincided with the direction of the Court of Directors to stand forth as Duan'). Secondly, to abolish all secret influence, and make the government itself responsible for all measures, by making them all pass by its avowed authority. (Hastings did not approve of the policy of masking the Company's

<sup>1</sup> Letter to L. Sullivan, dated March 21, 1776, in Gleig *op. cit.* Vol. II, p. 30.  
The passages within brackets are our own.

authority under that of the Nizamut. 'Further he was strongly in favour of concentration of all authority in the Presidency Government, the Governor being given a predominant position therein.). Thirdly, to remove all impediments which prevented the complaints of the people from reaching the ears of the supreme administration, or established an independent despotism in its agents. (This is why, as will be seen presently, he was so keen on bringing down collections to the Presidency by abolishing all intermediate agency between the Supreme Government and the People.). Fourthly, to relieve the raiats (tenants) from oppressive taxes. Fifthly, to introduce a regular system of justice and protection into the country. (He took the view that revenue and judicial branches were so much interconnected that administrative reform unaccompanied by judicial reform would be nugatory. So he effected both at once, though in doing so he went beyond the immediate scope of the Court's instructions.). Sixthly, to relieve the distresses of the Company at home and pay off their heavy debts here, by a uniform and regular mode of collecting their rents, by savings in expenses, and by foreign acquisitions of wealth."

This is one of the reasons why he wanted to introduce simplicity and stability in the system of land settlement by means of long-term tenures with hereditary farmers. This was, in his opinion, the best way of achieving security and certainty in the collection of revenues as well as of adding to them. What struck him at the very outset was the total absence of system in land settlement and the bewildering variety of land tenures with the resulting

confusion and leakage of revenues. Thus he wrote to the Directors.<sup>1</sup>

“ Though seven years had elapsed since the Company became possessed of the Dewannee, yet no regular process had ever been formed for conducting the business of the revenue. Every *Zemindari* and every *Talook* was left to its own particular customs. These indeed were not inviolably adhered to. The novelty of the business to those who were appointed to superintend it, the chicanery of the people whom they were obliged to employ as their agents, the accidental exigencies of each district, and not infrequently, the just discernment of the Collector, occasioned many changes,—every change added to the confusion which involved the whole and few were either authorised or known by the presiding members of the Government.

“ The articles which compose the revenue ; the form of keeping accounts ; the computation of time and even the technical terms which ever form the greatest part of the obscurity of every science differed as much as the soil and production of the province. . ”

This situation called for reform. What claimed his principal attention in his task of revenue reform was to render the accounts of the revenue simple, and intelligible, to establish fixed rates for the collections, to make the mode of them uniform in all parts of the Province, and to provide for an equal administration of justice. Hastings took the earliest opportunity after assuming the reins of government to push on with his plan of revenue administration

<sup>1</sup> Letter, dated 3 November, 1772, (Revenue Dept.), “ *Bengal Letters Received* ” Vol. XI, pp. 86-91, (I. O. R.).

which was approved by the Comptrolling Committee of Revenue on May 14, 1772.<sup>1</sup>

*Plan of Revenue administration of 1772*

The principal measures recommended for the settlement of collections may be summarised under the following heads :—

1. Lands were to be let in farm for five years.
2. A Committee of Circuit consisting of the Governor and four members of the Council was to be appointed to visit the districts east of the Hoogly and to make five years' settlements with farmers at the headquarters of the districts, the remaining members of the council being charged to make settlement of the districts near Calcutta.
3. " Supervisors " were henceforth to be styled collectors.<sup>2</sup>

<sup>1</sup> Calcutta Committee of Revenue Proceedings, dated 14 May, 1772, Range 67, Vol. 54, pp. 247-262, (I. O. R.). For details of the plan see Appendix G.

<sup>2</sup> The significance of this article is much deeper than what is indicated by a mere change in title. It symbolises, so to say, the transformation of the Company into a regular administrative organisation. In the regulation in question, the reason of the change is stated to be the Court's decision to " stand forth as Duan " and manage the Dewanny by the agency of these servants. But the reason is set forth by Hastings in course of a private letter to Mr. Josias Dupre, dated the 6th of January, 1773 :—

" Do not laugh at the formality with which we have made a law to change their name from *Supervisors* to *Collectors*. You know full well how much the world's opinion is governed by names. They were originally what the word supervisor imports, simple *lookers-on*, without trust or authority. They became *collectors*, and ceased to be *lookers-on* ; but though this change had taken place two years before I arrived, yet I found to my astonishment that they were known to the Court of Directors only in their original character. It was necessary to undeceive the Company ; and to that end we have called these officers by a title which will convey the true idea of the nature of their office." (Gleig—*op. cit.* Vol. I, p. 268.).

4. In every district a native officer under the title of Dewan was appointed to assist the collector in the superintendency of the revenues and at the same time to serve as a check on him.
5. Collectors were forbidden on pain of dismissal to be engaged directly or indirectly in trade in grain.
6. The collectors and their servants were also forbidden to lend money to Zemindars or ryots.
7. No servant of the collector was to be permitted to farm lands or even to have directly or indirectly any concern in any farm or to stand security for any farmer.
8. Collectors were instructed to collect all necessary information to enable the Committee to fix the establishment for each district for its protection and for preserving order.
9. Collectors were ordered to prepare an exact rent-roll of each farm in the district.

There were some other regulations in the plan directed against possible abuse of authority by collectors and oppression or extortion of the ryots. For instance, the dues of the Company from farmers, as also those of the farmers from the tenants, were to be fixed at the sums stipulated in legal documents, any demand in excess being illegal. All presents and gifts to collectors or other officers at the time of settlement, or at any other time, were totally stopped. These resolutions, supplemented by a few others passed on the 28th of May,<sup>1</sup> laid down the general principles for the guidance of the Committee of Circuit in their work of revenue settlement and also for working out detailed regulations for giving effect to them in the light of their experience

<sup>1</sup> *Vide Proceedings of the Calcutta Committee of Revenue, dated 28 May, 1772, Range 67, Vol. 54, pp. 290-91 (T. O. R.).*



gained in course of local investigation. The Committee of Circuit began its itinerary on the 3rd of June, 1772, coming back to the Presidency in March next. Besides making land settlements in the districts, which, by the way, it did by means of public auction to the highest bidder, it elaborated two important plans,<sup>1</sup>—one for the management of the Khalsa (or Treasury) at the Presidency and the other for the administration of justice. We have already seen that Hastings wanted a strengthening of the Presidency government by vesting all important authority in it, because from his experience he found that the vesting of power in inferior servants in the interior was the root of all trouble in the Company's administration. They became autocratic, corrupt and oppressive. The Committee, therefore, at the instance of its President of course, resolved on 28th of July, 1772, to abolish the Council of Revenue at Murshidabad and to transfer to the Presidency the Court of the Khalsa (Treasury) with all its establishment and to place it under the immediate charge of the President and Council.<sup>2</sup>

The motive behind this move was two-fold—practical and political. Hastings argued<sup>3</sup> that by this step the members of the Government at the Presidency would have greater opportunity of acquiring “that thorough and comprehensive knowledge of the revenue, which can

<sup>1</sup> It may be noted that besides its revenue work the Committee was also concerned with commercial affairs. At Cossimbazar, for instance, they took into consideration the subject of the decline in silk investment. As W. K. Firminger observes :—

“ This commixture of commercial with governing occupations serves to show that the Committee of Circuit forms an intermediate landmark between two stages in the Company's history.”

(W. K. Firminger, ‘ *The Fifth Report.*’ Introduction, (1917), Vol. I, p. cxxx.

<sup>2</sup> *Committee of Circuit Proceedings*, dated 28th July, 1772, Range LXXI, Vol. 13, (I. O. R.), pp. 175-82.

<sup>3</sup> *Vide* paras 33-41 of the Revenue Letter from Bengal to the Court, dated 3 November, 1773, referred to above.

only result from practical experience” and which it was so very necessary for them at that time to acquire. Further, it was calculated to give the people a readier access to justice, as they would now be able to appeal from the decisions of the inferior Courts direct to the Presidency. But the most important reason was perhaps the political one, *viz.* the shifting of the centre of political gravity from Murshidabad, the capital of the Nawab, to Calcutta, the capital of the Company's government, thus publishing as a fact what had already happened in theory.

Pursuant to the above resolution, the Committee at its meeting held on the 20th of August, 1772, prepared a detailed plan for conducting the business of the Khalsa.<sup>1</sup> Under this plan the control and superintendence over the collectorships, already instituted, was to vest in the President and Council, who were to form themselves into a Board of Revenue<sup>2</sup> for the purpose, to be styled “Auditors of the Dewanny” authorised to issue necessary orders to collectors and to inspect, audit and pass their accounts. Each member of the Board, in weekly rotation, was to audit the accounts from the collectors and submit a report thereof to the Board which would pass the accounts every month. Thus a rigorous check was imposed on the operations of the collectors. The office of Roy Royan, or a native Dewan to the Board, was created to act as a similar check on the operations of Indian dewans in the districts associated with the collectors. The Roy Royan himself was of course under the control of the President and the Board. Under the plan, a number of other offices were also created with their respective duties defined, for conducting

<sup>1</sup> *Vide Committee of Circuit Proceedings*, Cossimbazar, dated 20 August, 1772, Range LXXI, Vol. 13, (I. O. R.) pp. 277-92.

<sup>2</sup> This must not be confused with the Controlling Committee of Revenue at Calcutta which now came to an end as also the Councils of Revenue at Murshidabad and Patna.

the business of collection and superintendence, some of them being held by the covenanted servants of the Company, such as the Superintendent to the Khalsa, Accountant General of the Dewanny, the Persian Translator to the Khalsa, and others by natives such as officers of the 'Khazana,' Canoongo, Moonshee, Karkoon, etc. The plan met with the unanimous approval of the Supreme Council on the 29th of August, 1772.

The Board of Revenue accordingly being formed on the 13th of October, 1772, the new plan of revenue administration came into full force. But the system proved rather short-lived as we shall see presently. Simultaneously, a plan of justice, which we shall discuss later, was also completed and enforced, organised on parallel lines.

### *Critical estimate of the plan*

These two plans gave large powers in the hands of the new collectors who were all covenanted servants of the Company. Hastings was not at all in favour of leaving large powers in the hands of the junior servants of the Company. Had it been practicable, he would have gladly done away with the agency of collectors and brought down the whole business of administration into the Presidency. But he could not do it at the time, because he was conscious that in the absence of detailed knowledge and information about land and the people it would not be possible for the Presidency Government to manage without some local agency. So he was obliged to continue them, took every possible precaution against the abuse of power and excesses which characterised their predecessors, and tried to inspire them with a sense of responsibility.<sup>1</sup>

<sup>1</sup> The following extracts from a letter of Hastings to one of the collectors, dated 21 July, 1772, will give an idea of the spirit which he wanted to infuse in the junior servants (Gleig, *op. cit.*, Vol. I, pp. 313-14).

In the first place, in the districts with which the collectors were associated, the collectors and Dewans were to serve as mutual checks on each other, both again being controlled by the Revenue Board at the Presidency. A machinery of independent audit through members of the Board was set up. All practices which were liable to lead to corruption of the collectors or of their servants or the oppression of ryots were specifically prohibited. Further, in pursuance of a Despatch from the Court,<sup>1</sup> it was decided not to keep any collector in charge of the same station for more than two successive years as a safeguard against evils arising from the growth of an undue influence.<sup>2</sup> At the outset the scheme seems to have worked well, and we find Hastings referring to it rather complacently in January, 1773:<sup>3</sup>

“ I have hitherto every reason to be pleased with the change. Calcutta is now the capital of Bengal

“ I earnestly recommend to you to set apart a fixed portion of your time daily, or as often as your other duties will permit, to hear and decide all complaints that shall be brought before you. It will facilitate your business much if you keep a brief register of all causes that shall be brought before you, entering the names of the complainant and the respondent, with the general charge, and your decision; those of each pergunnah being registered apart..... A few instances of strict justice afforded to the persons injured, and a few severe examples made of great offenders, will save you much future trouble by lessening the number of complainants, as there will be fewer causes of complaint.

Your own servants, unless attended to with a most watchful eye, will be the greatest oppressors of the country, each in proportion to the confidence that you repose in him. You cannot avoid committing much to their charge, but one of the most likely means of restraining their licentiousness will be to pay a particular attention to the complaints against them, and to make it known that you will protect the complainants from their resentment.

I earnestly recommend these points to your constant attention, as no less necessary to your own ease and reputation than to the credit of our government and the interest of the Company, etc..... ”

<sup>1</sup> Vide General Letter from the Court to Bengal, dated March 25, 1772, (paras 44-45) ‘ *Bengal Despatches*,’ Vol. VI.

<sup>2</sup> Letter to Court, dated 25 March, 1773 (para. 11). ‘ *Bengal Letters Received*,’ Vol. XI, p. 446.

<sup>3</sup> M. E. Monckton Jones, *op. cit.*, ch. IX, p. 290.

and every office and trust of the Province issues from it. The business (is) in as good a train as could possibly be expected so soon after so great a revolution, this department (revenue) as regular and as much on train as if it had existed since the days of Job Charnock."

But Hastings was very soon disillusioned by the poor revenue returns of the first year of settlement and towards the end of the year he had to admit :

" it will require a long and intricate train of reasoning to prove that the future increase of national wealth, of Revenue and Trade, were really produced by them."

The main reason of the failure of the scheme is to be sought in the mistake committed by Hastings in putting up farms for sale by auction to the highest bidder from a temptation of securing the highest immediate revenues. This, however, proved to be a short-sighted policy. The highest bidders turned out to be adventurers with no permanent interest in the soil and no knowledge of local conditions. They settled for sums which the land could not bear, with the result that many of them turned defaulters or absconders. To this cause was to be added the inexperience of the collectors.

Hastings was hesitating as to what to do in this situation when positive orders from the Court of Directors arrived for the withdrawal of the collectors. They wrote<sup>1</sup> :—

" As the sending our Junior Servants into the Provinces has not been attended with the wished for success, but has enabled them to monopolise the whole trade of the Country, we direct therefore that they may be withdrawn as soon as possible, and we

<sup>1</sup> General Letter of 7 April, 1773, to Bengal, (para 45), '*Bengal Despatches*' Vol. VI, (I. O. R.).

leave it to you to substitute some other plan for making yourselves acquainted with the exact value of every district, and for giving relief to the inhabitants, till we shall be able to send you complete regulations for conducting this branch of our affairs which we have now under consideration."

As will appear from the date of the Despatch (April 7, 1773, and letters between England and India took more than six months in transit in those days) it had been written before the new plan of administration or the above report of Hastings reached the Directors, and it would appear from the context that the contents of the letter had reference to Cartier's administration and to the supervisors rather than to the new collectors. This is further proved by the fact that only a week later, in their letter, dated April 16, 1773, the Directors express their whole-hearted approval of the measures adopted by Hastings and reported to them up to September, 1772, and enjoin on the Council to extend their ungrudging support to the President in all his measures. In spite of this, however, as the direction of the Court was positive and more so because he was himself contemplating some change and the direction of the Directors for the withdrawal of the collectors coincided with his own inclinations, Hastings set about elaborating a new plan of administration.

*The Plan of 1773—system of Provincial Councils.*

The Board of Revenue met on the 23rd of November, 1773, to devise a new plan. Although willing to comply with the desire of the Directors for the recall of the collectors, Hastings and the Board felt that "the immediate removal of the collectors or the establishment of any consistent and permanent system without such preparatory measures as might prevent the bad consequences of too sudden a

change and gradually introduce a more perfect form of superintendency would be hazardous to the collections and bring at once a greater weight of business on the members of the Superior Administration than they could possibly support.”

So they struck a compromise between the two courses and formulated a plan in two parts, one permanent and the other temporary or transitional leading on gradually to the former.<sup>1</sup> The main features of the permanent plan are as follows;—

1. The existing districts forming collectorships to remain with suitable variations.
2. Each district was to be superintended by a native Dewan instead of European Collectors except such as were let entire to Zemindars who in such case shall be vested with the same authority.
3. That a Committee of Revenue was to be formed at the Presidency as the supreme revenue authority consisting of two Members of the Council and three senior servants below the Council.
4. Occasional Commissioners or Inspectors elected by the unanimous vote of the Council from among the Company's covenanted servants mainly for their knowledge of Persian and moderation of temper were to be deputed to visit districts requiring local investigation.

For the transitional stage the following temporary plan was given effect to in January, 1774, and remained in force till 1781, when the permanent plan was substituted with minor modifications. The three provinces were distributed

<sup>1</sup> For details of the plan vide *Bengal Revenue Consultations*, 23 November, 1773, Range XLIX, No. 42, (I. O. R.), pp. 3651-3677.

into six divisions, each under the superintendence of a Provincial Council of Revenue composed of a chief and four senior servants of the Company, (with a Secretary, Persian Translator, Accountant, and assistants) except the Calcutta division which was given special importance and was to be superintended by a Committee of Revenue consisting of two members of Council and three senior servants, with a Secretary, Translator, Accountant and assistants. The Roy Royan, assisted by one of his Naibs was to act as Dewan to the Committee at Calcutta and a Dewan nominated by the Government to be appointed with each of the Provincial Councils in the other divisions.

The Calcutta Committee and the Provincial Councils were to correspond with the Council of Revenue, *viz.* the Governor and Council in the Revenue Department, and the Dewans with the Roy Royan, and to act under their orders respectively. The collectors of the districts were to be recalled, as soon as they had delivered over charge to the Provincial Councils and the Committee and had adjusted their accounts.

The collections of the interior districts in each division, excepting those containing the seats of the Provincial Councils or Committee, were placed under the management of Naibs, that is, Indian officers, receiving their orders from the Provincial Councils. Members of the Superior Council were interdicted from any kind of trade except in diamonds for remittance to Europe and goods purchased in Calcutta, and all the members of the Provincial Councils, their assistants and all other covenanted servants of the Company residing in the interior of the Country were restricted from making advances for grain or other necessaries of life. The different Provincial Councils were



forthwith nominated. Provision was made for payment of liberal salaries to the chiefs of Councils<sup>1</sup> at the rate of three thousand rupees per mensem, the proceeds of the opium trade, made into a Government monopoly by Hastings, being earmarked for the purpose. The absolutely temporary and tentative nature of the plan was clearly stated in proceedings of the Board as follows :—

“ It being the professed intention of the Board to make the plan now adopted subservient to that which they propose for a future and perpetual system, it is their further design that whenever the amounts or arrangements of any one Division shall be so regulated and compleated, as to enable them to bring the controul down to the Presidency, the Provincial Council shall be accordingly withdrawn, and either continue to conduct the Business of the Division at the Presidency or transfer it at once to the Committee. By such progressive method an easy change may be effected, without the smallest hazard of any loss or embarrassment. . . . . ”

Hastings was not at all happy about the Provincial Councils as would be evident from the following extracts from a

<sup>1</sup> We may quote the following extract from the proceedings of the Board of Revenue of the same date (p. 3676) regarding salaries of members of the Councils.

That the allowances and salaries of chiefs and members of the Provincial Councils be fixed as follows :—

*To the Chiefs as per article 24 . .	Rs. 3,000 per mensem	Exclusive of the
The Second in Council	.. 600 .. ..	allowances accord-
The Third . . . . .	.. 500 .. ..	ing to their rank as
The Fourth . . . . .	.. 400 .. ..	they would receive
The Fifth . . . . .	.. 400 .. ..	in Calcutta, viz. a
The Secretary	.. 100 .. ..	Senior Merchant, Jr.
The Persian Translator	.. 100 .. ..	Merchant, Factor
The Accountant	.. 100 .. ..	and Writer.
The Export Warehouse Keeper ..	.. 500 .. ..	

\*The allowances to the chiefs are not to be drawn in Zillahs but be paid at the Presidency from the Fund to be appropriated for the purpose.

letter written by him to a personal friend, L. Sullivan, on March 10, 1774<sup>1</sup> :—

- “ I own it was with regret that I found myself compelled to leave this plan (meaning the permanent plan) in speculation, and to join with the Board in forming a temporary arrangement, which approaches too near in its principles to the authority exercised by the Collectors to render it eligible as a permanent institution. But it was unavoidable. We were precluded from making any other than a temporary plan, nor indeed would it have been advisable to have attempted the immediate execution of that which has been proposed. The Company's interests have suffered already by the many innovations which have been introduced into the administration of the revenue. . . . .
- “ It is my earnest wish to bring the superintendency of the collections in their detail immediately to Calcutta ; but this must be the work of time. . . . . ”

Hastings refused to take the view that the institution of provincial councils for the administration of the affairs of the revenue was a useful expedient. He accepted it at most as only a temporary expedient and as such both useful and necessary, but as a fixed and established regulation he feared that it would be attended with consequences oppressive to the inhabitants, prejudicial to the revenue, and ruinous to the trade of the country. In his opinion :

- “ each division would be liable to become a separate tyranny of the most absolute kind, because from its decrees there could be no appeal but to the Council of Calcutta, who (the President excepted) would be parties in every cause against the appellants, and because the people would lie too much

<sup>1</sup> Gleig, *op. cit.*, Vol. I, pp. 383-84.

at the mercy of their rulers to dare to lift up their voices against them. The trade of the country would be monopolised or laid under contribution, for who would hazard their property against the combined influence of private interest and uncontrolled power? The revenues would suffer by the taxes levied for private profit on the Zemindars and farmers, which the raiats would be compelled to pay, and thereby become less able to pay the due rents of government, etc.”

Had he his own way in the matter, the period of transition would have been cut short long before 1781, and the permanent plan enforced. But in the meantime the constitutional changes effected by the Regulating Act of 1773 rendered him powerless in his own Council, being confronted with a hostile majority without whose concurrence he could not do anything. This resulted practically in a stalemate till 1776, when one member among the hostile majority died, thus leaving Hastings free to carry out his policy and measures. The system of Provincial Councils, as apprehended by Hastings, worked badly and revealed almost all the defects prophesied by him in the above letter. They were imperfectly controlled by the Board.

“The proceedings of the Board of Revenue from 1773 to 1776,” says Mr. Ramsbotham, “record a monotonous list of large deficits, defaulting Zamindars, absconding farmers, and deserting ryots. The provincial councils, like the collectors before them, protested that the country was over-assessed; the diwans proved incapable and unbusinesslike.”<sup>1</sup>

<sup>1</sup> R. B. Ramsbotham, “The Revenue Administration of Bengal, 1765-86” in *Cambridge History of India* (1929), Vol. V, Ch. XXV, p. 419.

The scheme was of a definitely retrograde character. It deprived the servants of the Company of the opportunity of acquiring intimate knowledge of the conditions of the country in general and the revenue system in particular, which was so very necessary if the administration of the country was to be carried on by them as decided by the Directors. Further, it checked the spirit of public service, which was slowly growing among them, as also a sense of responsibility. The quinquennial system of settlement which stood condemned by experience was discontinued when it came to an end in 1777. The machinery of collection also needed an overhauling. The thing is, that the Company's servants were still groping in the dark to find out the most suitable system of administration.

### *The Scheme of 1781—Centralisation*

This brings us to the next stage of revenue reform. No apology or explanation was needed to give effect to the system of 1781, because it was no innovation. It was contemplated in 1773, to be given effect to as soon as conditions permitted. It was given effect to by resolutions of the Governor General in Council in the Revenue Department, dated the 20th February,<sup>1</sup> under the title of the Permanent plan for the administration of the revenue of Bengal and Behar. A Committee of revenue was constituted consisting of four senior covenanted servants of the Company, invested with the fullest authority to deal with the public revenues, subject to the control of the Governor General. The Provincial Councils were dissolved, but the chiefs of the Councils, as also the Collectors of the

<sup>1</sup> Vido *Supplement to the Digest of the Regulations and Laws of the Presidency of Bengal*, by J. E. Colebrooke (1807), Vol. III, pp. 213-16.

separate districts, were directed temporarily to remain in their respective stations until such time as they should be recalled by the orders of the Governor General and Council. It may be pointed out here in passing that although European Collectors generally speaking were withdrawn after 1773, some of them remained in the more remote and frontier districts, others being absorbed in the new courts established.

The office of the Superintendent of the Khalsa was abolished, and the office of the Khalsa with all its functions and powers was transferred to the Committee of Revenue. The Canongoes were reinvested with all their previous powers, *viz.* those in connection with settlement. This meant a considerable reduction in the powers of the collectors. The Committee was given power to make detailed rules of procedure for conducting its work. The members of the Committee were to be remunerated by a fixed percentage of commission upon the net collections of revenue, the President getting a larger share than the ordinary members, and in lieu of this they were to take an oath not to take any present or gratuity from anybody nor to acquire or receive any lucrative advantage by their office. The inauguration of this permanent plan of revenue effected a centralisation of the revenue administration, by bringing down collections to the Presidency under the immediate supervision and guidance of the Board on which Hastings had set his heart from the very beginning of his administration. By the abolition of the intermediate agency, *viz.* the Provincial Councils, he expected a large saving in expenditure, and through better and more effective supervision and control he was confident of an increase in revenue receipts.<sup>1</sup>

<sup>1</sup> See in this connection his letter to Major Scott, dated April 28, 1781, Gloig, *op. cit.*, Vol. II, p. 375.

In communicating the constitution of the Committee of Revenue to the Court of Directors,<sup>1</sup> the Governor General in Council wrote as follows :—

“We must declare, that in no act of our administration have we observed a greater consistency, or a closer attention to fixed principles, than in this. The system, which we have thus attempted to establish, was first devised by the president and council of this presidency in the year 1773, and made a part of the same resolution, which distributed the charge of the collections among the late provincial councils. These establishments were declaredly formed for the purpose of introducing the former; and were intended to be gradually withdrawn, as experience might render them no longer necessary. The Committee itself was immediately formed; and to give it the greater dignity, two members of the superior council were appointed to superintend it; although it then differed only in the name from the other provincial councils, and its destined functions were reserved for a future arrangement. Why this design failed in its effects, and the provincial councils were permitted to remain during so long a course as seven years, in contradiction of their professed institution, it is unnecessary to mention. . . . . We have now resolved to carry it into execution; and shall be content to leave the proofs of its utility to a short trial: but it will rest with your wisdom to give it permanency, by correcting its defects; and by obtaining the sanction of Parliament for its duration, under the form which shall be ultimately given to it.”

<sup>1</sup> Letter to the Court, dated 5 May, 1781. *Vide* J. H. Harington, *An Elementary Analysis of the Laws and Regulations enacted by the Governor General in Council*, Vol. II, pp. 40-41.

*Practical Difficulties of Centralisation*

But contrary to Hastings's expectations, a 'short trial' exposed the impracticability of the plan in achieving its objects of managing the revenue administration, in detail, at the Presidency, without the help of local agency. Such an eminent authority as Sir John Shore, himself a member of the Committee of Revenue, wrote as follows in criticism of the system :—

“ In the actual collection of the revenues nothing is more necessary than to give immediate attention to all complaints, which are preferred daily without number, and dispatch them in a summary manner. This cannot be done where the control is remote. In every purgunnah throughout Bengal there are some distinct usages, which cannot be clearly known at a distance. Yet in all complaints of oppression, or extortion, these must be known before a decision can be pronounced. But to learn at Calcutta the particular customs of a district of Rajeshahy, or Dacca, is almost impossible ; and considering the channels through which an explanation must pass, and through which the complaint is made, any colouring may be given to it, and oppression and extortion, to the ruin of a district, may be practised with impunity. This is a continual source of embarrassment to the committee of revenue in Calcutta.”

He then draws attention to the possible leakage of revenues through evasion on the part of Zemindars taking advantage of the absence of local investigation, and unchecked exploitation by them of the ryots for want of proper control on the spot.

“ The committee, with the best intentions,” he concludes, “ best abilities, and steadiest application, must, after all, be a tool in the hands of their dewan.

The same objections, that are made against the present committee of revenue, may be applied to the system of provincial councils. It is sufficient to say of them that the universal opinion, strengthened by experience, has pronounced the system fundamentally wrong ; and unapplicable to any good purposes.”<sup>1</sup>

Under the instructions of the Governor General and Council the Committee of Revenue prepared a plan for the settlement of the revenue of Bengal and Bihar for the ensuing year and submitted it for the approval of the Government on the 29th of March, 1781.<sup>2</sup> In this plan they recommend the system of annual settlement with hereditary Zemindars as the best, and as regards the authority who would make the settlements, they stated that they would themselves make them in as many cases as practicable, but in some cases they would leave the details of settlement to the collectors or officers of the Government.

So much was Hastings against entrusting the collectors with important powers that his Government approved of all other parts of the plan except that which entrusted the details of settlement to the collector or officer of Government, because they thought it “ inconsistent with the office of the person who is to have the collections of the settlement, upon settlement formed, that he should have any concern in the formation of it.”<sup>3</sup> Some collectors, however, had to be retained, as we have seen, but they were not given any discretionary authority. As one writer says,<sup>4</sup>

“ the re-appointment of collectors appears to suggest an idea of decentralisation. This however was

<sup>1</sup> Extracted from Shore's remarks on the administration of justice and collection of the revenue in Bengal, written in 1782. J. H. Harington, *op. cit.*, pp. 41,43.

<sup>2</sup> For details of the Plan, *vide* Colebrooke, *op. cit.*, op. 220-223.

<sup>3</sup> *Vide* extract from the letter of the Governor General and Council to the Committee of Revenue, dated 30 March, 1781. Colebrooke, *op. cit.*, p. 224.

<sup>4</sup> *Vide* Ramsbotham's article referred to above in *Cambridge History*, Vol. V, p. 428. Two concrete instances have been cited by Mr. Ramsbotham from



not the case. The collector was denied any interference with the new settlement of the revenue.... The new collectors were merely figureheads, and the distrust which the Council showed in their appointment could lead to nothing but discouragement."

In his enthusiasm for centralisation Hastings ignored altogether the practical difficulties arising from the absence of a responsible local agency as set forth above by Shore. Moreover, he developed a distrust of collectors posted in the interior districts, from his experience of the early supervisors and also the failure in the realisation of revenues under the plans of 1772 and 1773. But in fairness to the collectors it must be said that for this the collectors were not to blame so much as Hastings's mistaken policy of letting out lands by public auction to farmers who in a spirit of competition and speculation settled for sums beyond the capacity of the lands and inevitably turned defaulters. On the contrary it has been said of these officers :

"A careful perusal of the voluminous manuscript proceedings of the Committees of Revenue during those years (1765-1786) reveals a fact too little known, namely, that this progress was largely the result of unrecognised work by the district officers of the Company in their own districts where, generally speaking, they laboured to establish a just and humane collection of the land revenue." <sup>1</sup>

the proceedings of the Committee of Revenue in which two collectors, powerless in the face of confusion in the districts arising from the negligence of the *Canongo* and worst oppression by the farmers, referred to the Committee for instructions as to the action to be taken, one of them asking to be "informed of the degree of interference which is expected of me by you (*i.e.*, Committee of Revenue)."

<sup>1</sup> Ramsbotham, *op. cit.*, p. 432.

Without entering into an argument as to how far the above statement can be accepted without reservation, it may be said that Hastings's zeal for centralisation as also his distrust of the collectors was a little excessive. This is amply proved by the necessity of having to maintain some collectors in the districts by Hastings in spite of his scheme of centralisation and the restoration of the collectors with full powers in 1786, which we shall discuss later. We may leave the account of his revenue reform here and pass on to his measures of judicial reform.

### *Judicial Reforms of Hastings—The Reasons Behind*

Before we discuss the actual measures of judicial reform it would be pertinent to enquire why Hastings addressed himself to the task of judicial reorganisation at all, without any direct instruction to that effect from the Directors.<sup>1</sup> The main reason is perhaps to be sought in the fact that Hastings took a broad view of his task. He wanted to carry out the orders of the Directors not only in the letter, but in spirit also. He set before himself the objective of building up an administration of the Company in the full sense of the term, subserving the welfare of the ryots. Naturally the judicial system could not be left out of the picture. Without reform of the judicial system revenue reforms would be meaningless and ineffective. The indigenous system, never an ideal one, had now been practically shattered. The defects of the indigenous system of judiciary, as it stood in 1772,

<sup>1</sup> It will be noted that in their letter of August 28, 1771, the Court directed him to undertake Dewannee management through the agency of the Company's servants. The Court, however, directed him in that letter "to adopt such Regulations and pursue such Measures as shall at once ensure to us every possible advantage and free the Royotts from the oppressions of the Zemindars and petty tyrants under which they may have been suffered to remain, etc."

This might be stretched to justify his measures of judicial reform but he had other reasons as well which are discussed above.

have been detailed in the letter from the Committee of Circuit to the President and Council, forwarding the plan of justice of 1772. They were for instance :—

1. Multiplicity of Courts with overlapping jurisdiction.
2. Inaccessibility to the people in the interior districts.
3. Usurping of judicial authority by everyone having power.
4. Venality of judges.<sup>1</sup>

Besides, bad as they were, they became atrophied, having lost all their authority by the rise of the Company to the seat of power. So practically the machinery of justice was completely out of gear, and rights and liberties of the people were at the mercy of the strong. Then again, as we have seen, under the system pursuing in the country, civil justice formed a part of the Dewannee administration, revenue and judicial administration being inextricably linked up.

Further, rights of property could not be adequately secured without control over criminal justice also. So the logic of circumstance compelled Hastings to tackle the judicial system along with revenue administration. But the case for this interference cannot perhaps be better put than in the words of Hastings himself.<sup>2</sup>

“ The administration of justice has so intimate a connection with the revenue, that we cannot omit the mention of it while we are treating of this subject in a general view.... The security of private property is the greatest encouragement to

<sup>1</sup> On this point the Committee wrote :—

“ It will, however, be obvious that the judicial authority, lodged in the hands of men, who gain their livelihood by the profits on the collections of the revenue, must unavoidably be converted to sources of private emoluments ; and, in effect, the greatest oppressions of the inhabitants owe their origin to this necessary evil..... ”

<sup>2</sup> Letter to the Court, dated November 3, 1772 (para. 12).

industry, in which the wealth of every state depends. The limitation of the powers annexed to the magistracy, the suppression of every usurpation of them by private authority, and the facilitating of the access to justice were the only means by which such a security could be obtained. But this was impossible under the circumstances which had hitherto prevailed. While the Nizamut and the Dewannee were in different hands and all the rights of former were admitted, the courts of justice which were the sole province of the Nazim, though constituted for the general relief of the subjects, could receive no reformation. The court and the officer of the Nizamut were continued but their efficacy was destroyed by the ruling influence of the Dewannee. The regular course of justice was everywhere suspended; but every man exercised it who had the power of compelling others to submit to his decisions. The people were oppressed; they were discouraged and disabled from improving the culture of their lands and in proportion as they had the demands of individuals to gratify, they were prevented from discharging what was legally due to the Government."

Such a state of things certainly called for immediate reform, if orderly government was to be maintained in the community.

### *The Principle of Reform*

In these circumstances Hastings decided to reorganise the judicial system. While he wanted reform he did not aim at demolishing the existing structure altogether, but to adapt it as far as practicable to the needs of the situation,

by rooting out abuses and eliminating such parts as had become outworn. Like Burke, he was a believer in the organic conception of society and state ; as such he preferred conserving the traditional laws and institutions of a people which had their roots in their history rather than imposing exotic ones on them from outside. As Monckton Jones observes <sup>1</sup>:—

“There was no principle which he held more tenaciously than this : that a nation is the only safe judge of its own liberties, and that for any foreign authority, however enlightened, to impose law on a people according to its own alien standards is to commit injustice. As was said of the American ‘rebels’ at the time, ‘Liberty is what they hold to be such,’ and to enforce on the Hindus a code borrowed from a nation in a totally different stage of civilization was a greater hardship than to allow the anomalies and imperfections of their own laws to continue.”

Not only did he maintain the structure and the native agency intact as far as possible but he had a code of laws prepared according to the customary laws of Hindus and Mahomedans for the guidance of the courts.<sup>2</sup> When

<sup>1</sup> Monckton Jones, *op. cit.*, Ch. X, p. 311.

<sup>2</sup> Vide ‘*Bengal Letters Received*’ Vol. XI (I. O. R.).

Extracts from a Letter to the Court, dated March 25, 1773 (para. 12) :

“In order to render more compleat the judicial regulations to preclude arbitrary and partial judgments, and to guide the decisions of the several Courts, a well-digested code of laws compiled agreeably to the laws and tenets of the Mahomedans and Gentoos, and according to the established customs and usages in cases of the revenue, would prove of the greatest public utility, the Court (*Sudder Dewanny*) resolved that such a code would be prepared and properly digested and they accordingly appointed fit persons to execute this work, by three distinct commissions, two consisting of the present officers of the two Sudder Adawlut and a third of ten of the most learned Pundits.”

It may be noted that the whole cost of compiling the code was borne by Hastings personally.

the proposal of instituting an English Court administering English law in this country by an Act of Parliament (subsequently enacted as the Regulating Act of 1773) was in the air, he wrote home remonstrating against the unwisdom of such a step and urging that at least his government should have a hearing before the final decision was taken. He appealed to the great contemporary English jurist Lord Mansfield on the point.<sup>1</sup> But his remonstrance went unheeded ; the Supreme Court was established under the Act of 1773 with consequent conflicts with the administration and also the Company's courts. The underlying principles behind the plan of justice of 1772 can be best stated in the words of the Committee of Circuit in their letter, dated the 15th August, 1772, to the Council forwarding the plan :—

“ In forming the enclosed plan (for the administration of justice) we have confined ourselves, with a scrupulous exactness, to the constitutional forms of judicature, already established in this province, which are not only such as we think in themselves best calculated for expediting the course of justice but such as are best adapted to the understanding of the people : where we shall appear to have deviated in any respect, from the known forms, our intention has been to recur to the original principles, and to give them that efficacy, of which they were deprived by venal and arbitrary innovations, by partial immunities granted as a relief against the general and allowed abuse of authority, or by some radical defect in the constitution of the Courts in being ; and these changes we have adopted with the less hesitation, as they are all of such a nature, as we are morally certain will

<sup>1</sup> Letter to Lord Mansfield, dated March 21, 1771, Gleig, *op. cit.*, Vol. 1, p. 399.

prove both of general satisfaction, and general ease, to the people.”

### *The Plan of Justice of 1772*

Against this background we may discuss the plan of justice<sup>1</sup> formulated by the Committee of Circuit at the instance of Hastings, its President, and subsequent changes. Judicial reform also was effected at different stages, as a counterpart of, and complementary to the process of revenue reform.

The general framework of the judicial organisation established in 1772 continued in existence throughout the regime of the Company, in spite of modifications in details. In the first place, the multiplicity of courts with overlapping jurisdiction was abolished. In each district two courts, one civil and another criminal, with well-defined jurisdictions were established with a view to bringing justice to the doors of the people. The civil or Diwani Court was to deal with cases involving property, inheritance, debt, disputed accounts, contracts, etc., while the criminal or Foujdari court with criminal offences like murder, robbery, forgery, assaults, quarrels, etc. Over the provincial Diwani Court the collector of the district presided, representing the Company as the King's Dewan, attended by the provincial Dewan and other officers of the *Cutcherry* (Collectorate). In the Foujdari Court the *Cazee* and *Mufti* of the district and two *Moulvies*, all native officials of the Nizamut, used to dispense justice, but their proceedings were subjected to the supervision and control of the collector. Correspondingly, at the

<sup>1</sup> For details of the plan vide *Proceedings of the Committee of Circuit, Cossimbazar*, dated the 15 August, 1772.

Range LXXI, Vol. 13, pp. 241-52 (I. O. R.).

Presidency two superior courts of justice were established—Diwani Sudder Adawlut (chief civil court), presided over by the Governor with two members of the Council and attended by the officers of the Khalsa, and the Nizamut Sudder Adawlut (chief criminal court) presided over by a chief judge appointed by the Nazim, assisted by the chief *Cazee* and *Mufti* and three Moulvies, with a general oversight of the proceedings vested in the Governor and Council. Sentences of capital punishment were subject to confirmation by warrant of the Nawab.

Detailed regulations for the procedure to be followed by the officers of the courts were laid down. The collector was authorised to make such subsidiary regulations as were felt necessary for promoting the due course of justice and the welfare and prosperity of the ryots, suited to the local conditions and to submit them for confirmation to the Board. The custom of levying fees or commission on account of money recovered, as also of making revenue from fines and forfeitures, was abolished.

The Zemindar was deprived of his despotic authority, but he was left some authority for trying petty cases, up to the value of ten rupees with a view to giving relief to the ryots, to save them the trouble and expense of going to the headquarters. With the same intent, the duty of encouraging arbitration as a mode of resolving disputes was laid on the officers of the courts and they were further enjoined, as far as practicable, not to summon cultivators to district courts during the four months of the harvesting season. A glance at the regulations at once convinces one that they were inspired by the best of intentions, to render the machinery simple, and justice cheap and easily accessible to the people, to guard against the growth of despotic authority, and above all by a solicitude for the welfare of the people. This is very clearly



demonstrated by Regulation No. (9) which may be quoted *in extenso* :

“ That as nothing is more conducive to the prosperity of any country, than a free and easy access to justice and redress, the collectors shall at all times be ready to receive the petitions of the injured ; and further, to prevent their being debarred this access, from motives of interest, partiality or resentment, in the officers or servants of the Cutcherry, that a box shall be placed at the door of the Cutcherry, in which the complainants may lodge their petitions at any time or hour they please. That the Collector shall himself keep the key of this box ; and, each court day, have such *Arzees* (petitions) as he may find in it, read immediately in his presence, by the *Arzibeggy* of the Cutcherry.”

#### *Withdrawal of Collectors, 1745*

The collectors, thus being invested both with revenue jurisdiction and judicial powers, became, so to say, the pivot of the administrative machinery. Although their proceedings in both the spheres were subject to the scrutiny and supervision by the Board at the Presidency, great apprehension was felt lest they should grow into petty tyrants in their districts due to the impracticability of exercise of minute control by the Board both on the score of distance and its own pressure of business. The plan was, however, short-lived. Very soon under the orders of the Court, the collectors were withdrawn from the districts with a few exceptions and were replaced, as we have seen, by the six provincial councils consisting of European Covenanted servants, and native aumils in the interior districts. The civil jurisdiction only of the collectors was vested in the native district officers. Under the

plan of 1773 safeguards were introduced against possible abuse of power by the Aumils. They were superintended by the members of the Provincial Councils, and the Committee of Revenue (excepting the members of the Government) in rotation.

Appeal from their decisions lay in the first instance to the Provincial Councils and in causes exceeding a thousand rupees to the Sudder Dewanny Adawlut at Calcutta. Further, to protect the ryots, complaints against the Aumils and other officers of Government, as well as against Zemindars and farmers, were made cognizable by the Provincial Councils and the Committee of Revenue, with an appeal from their decision to the Superior Council of Revenue at the Presidency.

The reconstructed judicial system of 1772-73 had been set going smoothly and Hastings meant to bring it to perfection gradually by further changes in the light of experience,<sup>1</sup> but the time was not given. Soon came the Regulating Act of 1773, inspired by a distrust in the Company's servants in India, and embodying the principle of checks and counterchecks unsuited, according to Hastings, to the contemporary conditions in Bengal.

The Regulating Act has a great constitutional significance, inasmuch as it represents the first parliamentary intervention in the internal administration of the Company and is based upon the recognition of the principle that a trading corporation chartered by the Crown had no inherent rights to territorial possessions and revenues

He wrote to his friend Josias Dupre on 6 January, 1773 :—

“ Necessity compelled us to form some establishment of justice ; we chose the best we could ; and if this shall not be found so perfect as more time and knowledge might have made it, it is yet capable of receiving improvement, and is a good foundation for a more complete system of judicature.” (Gleig, *op. cit.* Vol. 1, p. 273.)

except on the sufferance of King and Parliament. As Lyall puts it :

“ The Act of 1773 gave a Parliamentary title to their (the Company's) administration in India.”

For some time past, as we have already noted, public opinion at home, stirred particularly by accounts of mismanagement of the Company's affairs and of corruption and graft among the Company's servants, was pressing for parliamentary interference. Already in 1767 by parliamentary legislation the rate of dividend was restricted and a toll was levied by the British Exchequer on the territorial revenues of the Company of £4,00,000 annually. But it did not purport to interfere with the internal administration of the Company. The immediate occasion for this step in 1773, was the virtual bankruptcy of the Company which not only frankly declared its inability to meet the demand of the Exchequer but also applied to the British Government for financial assistance. Parliament, after due enquiry by two Committees, enacted the legislation by which the system of the Company's internal organisation in India was altered with a view to introducing an element of centralisation as well as the principle of superior control over every authority from the Presidency Governors to the Court of Directors. The Court was placed under a limited control of the Home Government in political and financial matters. Similarly the two Presidency Governments at Bombay and Madras were placed under the superintendence of the Governor General and Council of Bengal in matters of war and peace.

Within the supreme Government of Bengal the Governor-General was bound by the vote of the majority, and the executive government subjected to the veto of the Supreme Court, constituted under the provisions of the Act, in some matters. Some of the provisions of

the Act were directed at the malpractices common among the Company's servants, such as taking of presents and gifts and private trade.

Faced now by a hostile majority Hastings could not push on with his reform measures any further until in 1776, the death of one of this hostile group gave him a free hand. The institution of the Supreme Court, which was, by the way, a Crown's Court incorporated by a royal charter as distinguished from the newly established courts which were Company's Courts deriving their jurisdiction from indigenous authority, the former administering English law with all the paraphernalia of English jurisprudence and the latter administering the indigenous system of law with suitable modifications, naturally led to conflicts between them. This happened particularly because the jurisdiction of the Supreme Court was left vague and ill-defined under the provisions of the Act of 1773 and it had to be clarified by another Act of Parliament passed in 1781. It was a definite set-back to the development of the newly established courts. The Sudder Dewanny Adawlut, due to some differences of opinion with the Supreme Court, remained suspended for some years till 1780, when it was re-established under the authority of the Governor General and Council.

### *Changes in Criminal Judicature in 1774-75*

The Foujdary or criminal courts established under the regulations of 1772, did not meet with the degree of success expected of them. Dacoity, murder and other heinous crimes continued unchecked. In course of a minute, dated the 19th of April, 1774, Hastings reviewed the reasons of this failure and recommended the institution of several Foujdars or native police officers in the districts with

power to arrest Dacoits and other criminals and bring them to justice.

These officers were accordingly instituted and the President or Governor-General assisted by a covenanted servant continued to superintend this branch till the 14th of April, 1775, when owing to very heavy pressure of work he wanted to be relieved of this charge. Accordingly on the 18th of October, 1775, the Board decided to vest it in Muhammad Reza Khan, the newly appointed Deputy Nawab, with instructions to carry on careful investigation into the system of criminal justice with a view to placing it on a satisfactory basis. Thus the control of criminal justice was once again restored to the Nawab, the seat of the Sadar Nizamut Adawlut being also removed from Calcutta to Murshidabad.

This system also did not work satisfactorily. There were reasons to suspect that the Foujdars themselves and their followers in many instances screened the Dacoits or even joined with them and freely abused their power in plundering and oppressing the people. As will be seen, under the Regulations of 1781, the establishment of *Foujdars* and *Tannadars* was abolished, their powers being transferred to the newly created English judges.<sup>1</sup>

### *Judicial Regulations of 1780*

The next stage of Hastings's judicial reorganisation was initiated by the Regulations of 1780.<sup>2</sup> As we have

<sup>1</sup> *Vide* Bengal Secret Consultations, October-November, 1775, Range A, Vol. 31 (I. O. R.), Bengal Rev. Cons., dated 21 December, 1785, and also Cornwallis's minute on the state of criminal justice in Bengal Revenue Consultations of 3 December, 1790.

<sup>2</sup> *Vide* Revenue Proceedings of the Governor General and Council, dated 28 March, 1780 (passed by the Governor General and Council on 11 April, 1780), Bengal Revenue Consultations, dated 28 March, 1780, Range 50, Vol. 24, pp. 88-124 (I. O. R.).

*Vide* also Colebrooke, *op. cit.*, pp. 14-22.

seen, Hastings was very much against concentration of powers in the hands of inferior servants, whether collectors or members of Provincial Councils. He, therefore, separated judicial and revenue functions; vested the former in the judges of the newly created provincial civil courts, leaving the Provincial Councils with the latter only. Six of such courts were established in six divisions into which Bengal was divided for the purpose, each presided over by a covenanted servant of the Company, styled the Superintendent of Dewanny Adawlut appointed by the Governor-General and Council. The jurisdiction of the Provincial Councils was limited to revenue cases only, while that of the provincial courts to inheritance, succession, debts, disputes about property and all other cases arising under civil law. Their respective jurisdictions being clearly defined, conflict between them was avoided.

Detailed rules of procedure for the guidance of the courts very much on the same lines as under the plan of justice of 1772 were laid down with a view to securing strict and impartial justice, preventing abuses among the judges and the court's officers and discouraging litigiousness and encouraging arbitration. Appeals from the decisions of these courts to the Governor-General and Council in the Court of Sudder Dewanny Adawlut were allowed only in cases involving more than a specified sum. The Sudder Dewanny Court was also authorised to make rules of practice and standing orders for itself and the provincial courts as well, subject to confirmation by the Governor General and Council. In points not covered by the regulations the Superintendent was given discretionary powers. The judges were required to subscribe to oaths against the receipt of presents or gifts as the collectors in 1772. The regulations were declared to be binding only until a new arrangement was made by the authority of Parliament.

These rules were given legal effect, being passed by the Governor-General and Council on the 11th of April, 1780. In October of the same year it was decided by the Government that a separate judge should be appointed to take charge of the Sudder Dewanny Adawlut in place of the Governor-General and members of the Council, because the multifarious duties of the latter left them little time to attend to the business of the court. But Hastings had deeper reasons than this as is revealed in his minute, dated September 29, 1780<sup>1</sup> in which he formulated the proposal. The chief justice of the Supreme Court, Sir Elijah Impey, was appointed to the post. By this step he wanted to bridge over the gulf between the Supreme Court and the Sudder Dewanny Adawlut which so far had been in constant conflict. The officers of the latter acting under Impey would be protected from attacks on the score of doubtful jurisdiction. Moreover they would have sound legal training under his guidance. Hastings observes :

“ They will be enabled to act with confidence, nor will any man dare to contest their right of acting when their proceedings are held under the sanction and immediate patronage of the first member of the Supreme Court, and with his participation in the instances of such as are brought in appeal before him and regulated by his instructions. They very much require an instructor, and no one will doubt the superior qualifications of the Chief Justice for such a duty.”

Further he held that it would be :

“ a means of lessening the distance between the Board and the Supreme Court, which has perhaps been, more than the undefined powers assumed to each, the cause of the want of that accommodating temper

<sup>1</sup> Vide R. Muir, *The Making of British India, 1756-1858* (1915), pp. 150-51.

which ought to have influenced their intercourse with each other.”

This arrangement, however, proved short-lived, because it did not meet with the approval of the Directors and in pursuance of their orders the Governor-General and Council resumed the superintendence of the court in November, 1782. But before that Sir Elijah Impey as the judge of the Sudder Dewanny Court had the opportunity of putting the whole judicial system of the Company in order by framing necessary regulations and rules of procedure for the guidance of the courts. On November 3, 1780, seventeen such regulations <sup>1</sup> prepared by him and approved by the Government were passed and were later embodied, with subsequent modifications in a revised code of regulations for the administration of justice in the Mofussil as well as the Sudder Dewanny courts, passed by the Governor General and Council on the 5th of July, 1781.<sup>2</sup> The object was to systematise and simplify the numerous regulations in force and to make them a consistent whole by proper selection and elimination and to render the system intelligible to the ordinary man.

### *Changes of 1781*

In the meantime on the 6th of April, 1781, a set of general regulations for the administration of justice in the civil courts were passed which effected important changes. To remove the inconveniences arising from the too extensive jurisdiction of the Provincial Dewanny Courts established under the regulations of March 28, 1780, and thereby to promote more speedy and effectual administration of justice the number of such courts was increased from six to eighteen. They were allowed to continue on the old

<sup>1</sup> Colebrooke, *op. cit.*, p. 22.

<sup>2</sup> *Idem*, p. 37.



footing under the charge of covenanted servants of the Company, henceforth to be styled 'judges' instead of 'Superintendents', with a jurisdiction distinct from that of the persons who after the recent abolition of the Provincial Councils remained in temporary charge of collections.

In some of the thinly populated frontier districts it was proposed to leave Dewanny jurisdiction to the collector in temporary charge of them, instead of creating a separate office of judge till a more complete jurisdiction could be established. They were, however, to keep these two functions quite distinct, being in one capacity controlled by the Committee of Revenue and in the other by the Sudder Dewanny Court.

#### *Judges invested with Magisterial Powers*

The judges, moreover, were invested with magisterial powers for apprehending persons charged with dacoity or other crimes of violence within their jurisdiction, with a view 'more effectually to promote the introduction of good order in the several districts.' As the establishment of *Foujdars* and *Tannadars*, introduced in 1774, was not attended with the wished for results, the Nawab was asked to withdraw them, their power being now transferred to the judges. Their authority was, however, limited to apprehending only, and not to trial or punishment, for which such criminals were to be sent immediately to the Daroga (criminal judge) of the nearest Foujdary with a charge sheet. In some cases Zemindars were also invested with the magisterial authority.

To enable the Government to observe the effects of this transfer and also to watch over the general administration of criminal justice throughout the province a separate department was established at the Presidency under the immediate direction and control of the Governor-General

to receive the reports and returns of proceedings from the Foujdary courts as also the reports from the judges in their magisterial capacity. To have charge of these records and as a check on all persons entrusted with the administration of criminal justice, a covenanted servant was appointed under the direction of the Governor-General, with the title of *Remembrancer of the Criminal Courts* with a few assistants. This practically brings to a close our review of Hastings's measures of commercial, revenue and judicial reform.

*Concluding Remarks on Hastings's Reforms in relation to  
the Company's Civil Service*

We may close the chapter with a few remarks on the effects of Hastings's measures upon the civil service of the Company. When he took up the reins of administration in 1772 he found the servants thoroughly depraved. As will appear from his correspondence of this period, he formed a very poor estimate of the service, and particularly of the supervisors. He described the supervisors as 'petty tyrants' and 'heavy rulers of the people.' As we have seen above he was from the very beginning in favour of withdrawing them from the districts and concentrating authority in the Presidency government, but he was forced by circumstances to retain them. In course of a letter to his friend J. Dupre, dated the 6th of January, 1773,<sup>1</sup> he observes :—

“ Whatever motives we had for recalling these officers it appeared that there were amongst them so many sons, cousins, or *élèves* of directors, and intimates of the members of the Council, that it was better to let them remain than provoke an army of opponents

<sup>1</sup> Gleig, *op. cit.*, Vol. I, p. 269.

against every act of administration, by depriving them of their emoluments. They continue, but their power is retrenched; and the way is paved for their gradual removal; and the Court of Directors have sufficient arguments furnished them to order their recall immediately."

The Commercial branch of the service was also in no better state and we have seen above the measures he took to purify it of its abuses, to protect the weavers from oppression and to promote the prosperity of the country by freeing trade from all restrictions. But while he condemned these servants in strong terms he was not unsympathetic to them. We have seen how he tried to inspire them with the spirit of public service by personal appeal and by providing liberal remuneration whenever possible. He realised that it was not so much the men as the system that was to blame for their lapses. We may quote in this connection extracts from his letter to the Court of Directors, dated the 11th of November, 1773. He writes <sup>1</sup>:—

"May I be permitted, in all deference and submission to your commands, to offer it as my opinion, that whatever may have been the conduct of individuals, or even of the collective members of your administrations, the blame is not so much imputable to them as to the want of a principle of government adequate to its substance, and a coercive power to enforce it. The extent of Bengal, and its possible resources, are equal to those of most states in Europe. Its difficulties are greater than those of any, because it wants both an established form and powers of government, deriving its actual support from the unremitted labour and personal

<sup>1</sup> *Ibid.*, p. 368.

exertion of individuals in power instead of the vital influence which flows through the channels of a regular constitution.....

“ Among your servants, who for a course of years have been left at large in possession of so tempting a deposit, it is not to be wondered at that many have applied it to the advancement of their own fortunes, or that those who were possessed of abilities to introduce a system of better order, should have been drawn along by the general current, since few men are inspired with so large a share of public virtue as to sacrifice their interests, peace, and social feelings to it, and to begin the work of reformation on themselves.”

Referring to the detailed plan of administration which the Directors proposed to send soon, he continued :—

“ Whenever this work shall be accomplished on a foundation of consistency and permanency, I will venture to foretell, from the knowledge which I have of the general habits and manners of your servants, that you will hear of as few instances of licentiousness amongst them as among the members of any community in the British Empire.”

Some time later also he reaffirms the same conviction in a letter to his friend L. Sullivan, dated the 21st of March, 1776 <sup>1</sup> :—

“ Many of my letters to the Company, and many of a private nature, but addressed to persons of high rank, or great influence, have treated of the disorders and irregularities of the service, but these I have always attributed (as in my heart I still do) to a defective constitution, not to a depravity of principle in the servants of the Company.”

<sup>1</sup> Gleig, *op. cit.*, Vol. II, p. 40.

With consummate statesmanship he realised that mere temporizing with tinkering measures of reform of specific abuses among servants would not be of any use. So he tackled the larger problem of stabilizing the administrative system as a whole in all its branches. He strengthened the Presidency government by bringing down all the members and confining them to the Presidency, he overhauled the revenue and judicial system, maintaining as far as possible established institutions by careful adaptation and selection, guarded against despotism of inferior servants by introducing a system of judicious control all through the service, laid down detailed regulations for the guidance of the servants in their public acts, and took all means to render justice cheap and easily accessible to the people. In this way he lifted the service out of the morass into which it had fallen.<sup>1</sup> During the thirteen years of his administration the service of the Company changed, so to say, from being a band of commercial adventures and fortune-hunters to a public service in the modern sense of the term. On the improved morale of the service we may quote from a letter written to his mother by Sir John Shore (later Lord Teignmouth) then a junior servant of the Company on the 1st of April, 1772, as follows <sup>2</sup> :—

“ The road to opulence grows daily narrower, and is more crowded with competitors, all eagerly pressing towards the goal, though few arrive there.....

The Court of Directors are actuated with such a spirit of reformation and retrenchment, and so well

<sup>1</sup> According to Monckton Jones, Hastings “ found the English in Bengal a source of disease and misery to the country, apparently incapable of cure : he turned them into a spring of new life which brought integrity and vigour into its government, humanity into its law courts, freedom into its markets.” (Monckton Jones, *op. cit.*, p. 319.)

<sup>2</sup> *Memoirs of the Life and Correspondence of John, Lord Teignmouth*, by Lord Teignmouth (1843), Vol. I, p. 39.

seconded by Mr. Hastings, that it seems the rescission of all our remaining emoluments will alone suffice it. The Company's service is in fact rendered an employ not very desirable."

But Hastings tried his best to render the service attractive by adding to its legitimate emoluments. Hastings himself wrote in 1781 :—

"What a world of enemies have I submitted to the hazard of creating by disregard of personal consequences. In this establishment I have deprived the bulk of both civil and military servants of their settled means of acquiring rapid fortunes.....the most important acts of this Government are constituted on principles diametrically opposite to popularity and established opinions."<sup>1</sup>

It has been held in some quarters <sup>2</sup> that in spite of Hastings's attempts at purification he was not able to accomplish it completely. But nobody perhaps would contest the fact that Hastings did his very best for its

<sup>1</sup> Monckton Jones, *op. cit.*, pp. 262-63.

<sup>2</sup> P. E. Roberts observes :—

"We can only accept the theory that Hastings purified the administration with considerable qualifications. In contrast to such a contention we must set the fact that the nearer we get back to Hastings's own time, the less belief do we find in this theory of the entire reformation of the Company's service. Sir John Malcolm is probably much nearer the truth when he writes that Hastings's "most strenuous advocates.....while they defend his personal integrity, are forced to acknowledge that the whole system of the government over which he presided was corrupt and full of abuses."

"Had there been a complete purification of the service, there would surely have been nothing for Lord Cornwallis to do, when he came to India in 1786, but we know that there was abundant material for his reforming hand."

purification and left the service much better than what he had found it. The writer quoted above remarks :—

“ All this, however, is consistent with the assumption that Hastings made a strenuous and loyal endeavour, as far as in him lay, to amend and purify the service. Probably, short of staking his retention of office upon the question, he did as much at first as was humanly speaking possible.”

It is too much to expect that an administrative service for the first time created out of a mercantile establishment, without proper equipment and training, without familiarity with the manners and customs and ways of life of the people it was set up to govern, would become a perfect organisation in course of a few years and perhaps J. W. Kaye is quite correct in his estimate when he says :—

“ The Company’s servants had everything to learn as administrators, and those great lessons were not to be learnt in a day. But considering the strangeness of the duties which then devolved upon them—the magnitude of the labour imposed and the extreme difficulty of acquiring a competent knowledge of the language, the institutions, the usages, and the character of the people, in all their multiform social aspects, a people whom before they had only known in the one relation of trader, the wonder is not that they advanced so little towards good government, but they advanced so much.”<sup>1</sup>

In conclusion, it may be said that the foundation of a civil service in the modern sense, based upon English principles of government, was for the first time laid during the regime of Hastings, on which the superstructure was

<sup>1</sup> J. W. Kaye, *op. cit.*, pp. 87-88.

raised and perfected by Lord Cornwallis and his successors, and the constitution and fundamental principles of organisation of the civil service of India of the present day may be traced back to this period.



## CHAPTER V

### THE COMPANY'S CIVIL SERVICE CONSOLIDATION AS AN ADMINISTRATIVE SERVICE

Hastings resigned office in February, 1785. He had not yet been able to complete the process of constructing the administrative machinery which he had so well begun and developed through several stages. But he prepared the ground for putting the Company's service on a stable basis. His work in this respect was taken up by Cornwallis and completed by him in his own way under much more favourable circumstances<sup>1</sup> than those with which Hastings had to contend. Between Hastings and Cornwallis intervened the short interim government of Macpherson which is not of much importance for our purpose.

In this chapter we propose mainly to deal with the work of Cornwallis in perfecting the administrative machinery of the Company in different spheres. In a way he may be said to have left the Company as a

<sup>1</sup> The success of Cornwallis as an administrator was due to certain advantages he enjoyed over Hastings apart from his personal ability and integrity of character. These are as follows : -

1. He sprang from the nobility which was then the ruling class in England and being nominated by the Ministry enjoyed its confidence.
2. He was an intimate friend of H. Dundas, the Chairman of the Board of Control, the minister responsible to Parliament for Indian affairs.
3. He made it a condition of acceptance of office that he would be given an overriding authority in the Council in emergencies, which was conceded by the Act of 1786.
4. He had the complete confidence of his Council and had the benefit of experienced advice from tried men like Shore, Stuart and Grant.

As a consequence Cornwallis had a much freer hand in directing Indian affairs than Hastings.

full-fledged ruling organisation in place of a mere commercial corporation.

### *Home Politics and Indian Administration*

Before actually recounting the achievements of Cornwallis it is perhaps necessary to make a brief reference to the influence of home politics on Indian affairs at this time, because Cornwallis was to a great extent inspired in his work not only by politics at home but by ideas prevailing there. He has been happily described by Lyall as "the first of the new dynasty of Parliamentary Governors-General." Lyall further observes :—

"In the year 1786, we find the English sovereignty openly established in India under a Governor General entrusted with plenary authority by the representatives of the English nation. The transformation of the chief governorship of a chartered commercial company into a senatorial proconsulship was now virtually accomplished."<sup>1</sup>

We have already seen how since the acquisition of Dewanny by the Company the public at home, even outside the circle of shareholders of the Company, were taking an increasing interest in the Company's affairs, which led to a demand for parliamentary interference therein. This eventually took shape in the ill-conceived legislation of 1773, which did not, however, introduce any regular machinery of parliamentary control.

With the increasing powers and functions of the Company, as it settled down more and more into the administration of the country, there was a growing conviction at home that it was wielding powers too large for a chartered commercial corporation. This was particularly stimulated

<sup>1</sup> A. Lyall, *op. cit.*, Chapter XIII, p. 219.

by its very large powers of patronage and also the abuses in the ranks of the Company's servants. For some years past the Company's affairs were now and again subjected to a searching scrutiny at the hands of Select Committees of the House of Commons, the results of whose investigations showed that all was not well with the Company's affairs in India, and pointed to the need of reform and the expediency of imposing some control over the Company. But the immediate urge for the tightening of parliamentary control over the Company's affairs in India came from the eagerness of the British party leaders to capture the large patronage at the disposal of the Company to consolidate their own position in home politics. As Vincent Smith observes :

“ In those days Indian affairs were the battle-ground of the party leaders to a degree never known before or since.”<sup>1</sup>

Fox's India Bill purporting to revolutionise the whole constitution of the Company and taking away its patronage was more or less conceived in this spirit. But it went too far, and brought about the downfall of its authors, in which the supporters of the Company also played no small part. The Opposition under Pitt introduced a new bill relating to India in 1784 which was passed into law. It kept the patronage of the Company intact, but set up a permanent machinery of parliamentary control in the “ Board of Commissioners for the Affairs of India,” which was in a way an adjunct of the Home Government, and vested in it complete powers of superintendence and control in relation to all acts, operations, etc., pertaining to the civil or military government or revenues of the Company. Thus the Company was placed in direct subordination to a body representing the Home Government. It further tightened the control of the

<sup>1</sup> V. A. Smith, *Oxford History of India* (1923), p. 547.

Governor-General in Council over the other two Presidency Governments and removed the ill-conceived checks and counter-checks introduced by the Act of 1773, which were responsible for much mischief and trouble during Hastings's regime. Apart from these provisions relating to the constitution of the Company, the Act contained two other important provisions.<sup>1</sup> One of them directed the Company to take into consideration the complaints of landlords; etc., and redress them after due investigation into the existing settlement between them and the Company, and another directed them to take into immediate consideration the civil and military establishments of the several Presidencies and after due investigation to order every practicable retrenchment and reduction in them with a view to their improvement. The former led to the famous Permanent Settlement of land in 1793, and the latter to administrative re-organisation which will be dealt with presently.

Provision was also made regarding appointment and promotion of civil servants (Sections 42 and 43), which were further dealt with in legislations of 1786 and 1793. Thus Parliament in a way set the direction to future lines of reform of the Company's administration.

### *Administrative Reorganisation on the Eve of Cornwallis's Regime*

To give effect to the provisions of the Act of 1784 regarding reorganisation of establishments the Directors issued necessary orders to the Governor-General in Council and issued instructions as to the lines on which it was to

<sup>1</sup> Sections 39 and 40.

take place.<sup>1</sup> In a letter to the Court written in 1781, the Governor-General in Council expressed the following sentiments on the question of retrenchment in establishments<sup>2</sup> :—

“ In effect, the civil offices of this Government might be reduced to a very scanty number, were their exigency alone to determine the list of covenanted servants ; which at this time consist of no less a number than two hundred and fifty two ; many of them the sons of the first families in the Kingdom of Great Britain, and everyone aspiring to the rapid acquisition of lacks, and to return to pass the prime of their lives at home, as multitudes have done before them ; neither will the revenues of this country suffice for such boundless pretensions, nor are they compatible with yours and the national interests which may eventually suffer as certain a ruin from the effect of private competition and the claims of patronage, as from the more dreaded calamities of war, or other ordinary causes which lead to the decline of Dominion.”

Referring to these sentiments the Court instructed them not to be led by any other consideration than the exigency of administration in determining their establishments and “ not to continue upon the establishment of any one Department, any one office, or any one salary not warranted by the real exigency of the service.”

In effecting reorganisation of departments they were directed to allot competent service to each branch, which was to specialise as far as possible in its work and rise in

<sup>1</sup> *Vide* Letter from the Court, dated 21 September, 1785 in ‘ *Bengal Despatches*,’ Vol. 14 (I. O. R.).

<sup>2</sup> General letter to Court, dated 5 May, 1781.

regular gradation. In accordance with these instructions the Board of Trade, set up in 1774, was reorganised, being constituted of four members selected from among the senior servants of the Company and a junior member of the Supreme Council as President. Similarly the Committee of Revenue was replaced by a Board of Revenue consisting of a junior member of the Council as President and four senior servants of the Company as members, which was to conduct, subject to the control of the superior council, the entire administration, settlement and collection, etc., of every branch of revenue together with the control of all officers in the Revenue Department. They were particularly entrusted with the work of devising a settled plan for revenue administration in accordance with the directions of Parliament. Apart from these two Boards, the business of the Government was to be distributed among two other bodies, *viz.* the Board of Council and the Military Board, their names indicating their functions.

The framework of the Company's administration in 1787, just on the eve of assumption of office by Cornwallis, may be briefly narrated here. The business of the Company fell into two main Departments--General and Commercial. At the apex of the entire system was the Governor-General and Supreme Council presiding over all activities of the Government. The Commercial branch was conducted by the Board of Trade at Calcutta with a number of 'Residents' in the interior districts in charge of the Company's Investment. In the General Department two distinct sets of duties were performed--revenue and judicial. Revenue work was regarded as of primary importance. As Dewan the Company had charge both of collection of revenues and civil justice, but as we have seen, by force of circumstances the Company came to exercise a large amount of control over criminal justice as well. The main source of revenue was, of course, land revenue, though

there were other sources as well in sayer duties from customs and excise, opium and salt monopolies. The chief organ in the Revenue Department was the Committee of Revenue, lately reorganised as the Board of Revenue. Under the centralisation scheme of 1781 this body managed the collection directly with the assistance of some native Dewans, the collectorships being abolished. But as has been already noted, very soon the scheme was found to be impracticable and collectors were being gradually reinstated to their previous positions. Collectors were again placed in charge of collection and settlement with the Zemindars, the duty of the Board of Revenue being confined to supervision and control. So far as civil justice was concerned, it was administered in the local Dewanny Adawlut (civil courts) presided over by separate officers called Judges appointed from among the Company's servants. Above the Judges was the Sudder Dewanny Adawlut consisting of the Governor-General in Council in judicial capacity. Criminal justice still remained nominally vested in the Nawab Nazim and a number of local Darogahs or native officers administering indigenous criminal law to some extent modified by Hastings. The judges had acquired magisterial powers of apprehending criminals and committing them for trial to the native courts. Appeal lay from these to the Sudder Nizamut Adawlut, under the supervision of the Governor-General in Council. It will be noted that the functions of the Company as an administrative body were as yet confined to the most elementary functions of Government only, *viz.* maintenance of law and order and collection of revenue, and here also in respect of the former, the agency was partly native over whom it exercised only imperfect powers of control. The machinery was rather complicated and not quite coherent, because it had been brought to its present stage by Hastings by piecemeal changes working on his maxim of "the rule of the false."

*Policy of Administrative Centralisation abandoned  
after much Discussion*

The Directors now became averse to frequent changes and wanted a stability and permanence in all arrangements and chose Cornwallis for the task and issued detailed instructions as to the lines on which reform was to be undertaken. But before dealing with these instructions which form, so to say, the basis of Cornwallis's reforms in different directions, we shall see how a reversal of Hastings's policy of centralisation of revenue administration came about. We have seen how the Committee of Revenue in making their first plan of settlement (submitted to the Governor-General in Council on the 29th of March, 1781), admitted the impracticability of conducting the entire work of settlement and collection by themselves and therefore advocated the making of settlements with Zemindars, leaving to the latter the business of collection. The work of settlement itself also appeared to them too much to be done by themselves and suggested taking the assistance of collectors or other officers of Government. This was practically an admission of the impracticability of Hastings's centralisation scheme of 1781. Hastings, and after him Macpherson also, attempted to persist in the policy of withdrawing the collectors from the districts.<sup>1</sup> But ultimately it so happened that more had to be added to those collectorships and chiefships of Councils left on a temporary basis in 1781. A discussion ensued as to whether district officers were to be restored, in which two of the most senior servants of the Company, Sir John Shore, the President of the Committee of Revenue and Mr. Stuart,

<sup>1</sup> *Vide* extracts from Minutes of Council in the Secret Department of Inspection, dated 20 December, 1784 and 27 January, 1785, in 'Bengal Revenue Consultations,' dated 16 February, 1785 (I. O. R.), where the retrenchment of several collectorships, civil courts and some other offices as an economy measure is recorded,



a member of the Council, took part.<sup>1</sup> As the Court's subsequent decision in favour of the restoration of collectors and the combination of revenue and judicial functions in them were determined by the views expressed by these servants we may make a brief reference to them.

Stuart in his Minute laid before the Committee pointed out that benefits expected of the scheme of centralisation had not materialised and made a strong case for reinstatement of European collectors in all districts immediately. He submitted a detailed plan for revenue collection accordingly and proposed the union of the offices of collector and judge in the same person, with an increase in their salary which could be effected without adding to the net charge of establishment.

Sir John Shore recorded his opinions on the subject as far back as 1782 in course of a long Minute, dated the 13th of January, 1782. In his plan for the collection of revenues and administration of justice, he lays emphasis on two things. First, in the two Departments of the administration of justice and the management and control of revenues the Company's servants alone should be employed, as natives were thoroughly untrustworthy. Secondly, the above two functions should be combined in the Company's servants to be posted in the districts, who would be subject to the superintendence and control of a Committee at the Presidency like the existing Committee of Revenue in revenue matters and to the Sudder Dewanny Adawlut in judicial matters, the Supreme Council continuing as the supreme authority in all matters. Like Stuart he also proposed that settlement should be made with the Zemindars. His argument for the combination of functions in the same officer was that a people accustomed to despotic authority should look to one master and that it was

<sup>1</sup> *Vide* Minute of Stuart in '*Bengal Rev. Cons.*,' dated 10 May, 1785 and those of Shore and Macpherson in *Idem*, 18 May, 1785, Range 50, Vol. 58 (I. O. R.).

impossible to draw a line between the two in such a manner as to prevent their clashing, in which case either the revenues would suffer or the administration of justice would be suspended. As regards criminal jurisdiction he thought that some control by the Company's servants was highly necessary, as also an alteration in the inhuman punishments prevalent in the country like mutilation or impaling.

Sir John Macpherson in his Minute, dated the 10th of May, 1785, agreed in principle both with Sutart and Shore in the proposal for the union of functions in the district officers, but he doubted whether the time was yet opportune "to risk the consequences of vesting so unchecked a power generally in the hands of our servants."

He was not in favour of any innovation unless there was an overwhelming case for it. He favoured a system of small collectorships of moderate sizes (say, with assessments of 8 or 10 lacks of rupees) presided over by a Company's servant conversant in the language, customs, and manners of the people, capable of collecting without the intervention of a native agent, with the Committee of Revenue as a superintending authority. These were to be effected, however, only by progressive stages on a concerted plan agreed upon by the Government and the authorities at home. Both the plans of Stuart and Shore were laid before the Committee of Revenue with instructions that the Government had it in contemplation to adopt the general recommendations as soon as conditions permitted without the dangers of a sudden change. He also made it clear that if the majority in the Council took a different view and adopted either of these plans immediately he would not oppose, though not approving the course.

The upshot of all this discussion was a reversal of the policy of centralisation and the adoption of one of employment of local agency, with the combination of revenue and judicial functions. The first step in that direction

was taken in 1786 when the Committee of Revenue was instructed by the Governor-General in Council on the 7th of April, as follows :—

“ It is our intention to appoint Company’s covenanted servants to the stations of Collectors throughout huzzorry mehals (districts paying land revenue direct to the treasury at the presidency), as from experience we think it past doubt, that, situated as you are at the presidency, you cannot, without a local agency in the several divisions, secure the regular realization of the revenues ; while you must be still less able to preserve the ryots, and other inferior tenants, from the oppression and exactions to which they are, in this country, so peculiarly liable, from the superior landholders and renters. You will, therefore, on proceeding upon the ensuing year’s settlement, divide out the huzzorry mehals into collectorships, in such manner, that no one collectorship shall exceed in jumma the sum of eight lacks of rupees ; unless in cases where the division of a zemindary would thereby be occasioned ; and taking care, that the charge to be incurred, by the number of these new offices, do not exceed the funds rising from the saving in the article of Moshaira.”

It was ordered at the same time that the native Dewans should be removed from every station where a collector is or shall be appointed, full responsibility for the collection of revenue being vested in him. This was decided upon, because the Board did not think “ that the real utility of the system of provincial Dewans can, under the present circumstances of the Government (when every possible retrenchment is called for, and enjoined by the Company’s orders) compensate its expenses.”

Some regulations were issued at the same time for the guidance of the collectors and the prevention of abuses among them. In pursuance of these orders, huzzorry mehals were placed in charge of collectors, and the provinces of Bengal and Orissa were split up into more than twenty collectorships, exclusive of those already established in Bihar.<sup>1</sup> The process of creating collectorships continued and by September, 1786, their number increased to thirty-six.<sup>2</sup> The functions of the newly constituted Board of Revenue were confined merely to deliberation and exercise of control over the proceedings of the collectors instead of actual assessment and collection as before.

*Court's Instructions of April, 1786*

It was at this stage that Cornwallis appeared specially commissioned by the Directors and also the ministry to purify and stabilise the administrative machinery of the Company in all its branches. The general lines of reform were laid down by the Directors in their Instructions embodied in three letters, dated the 12th of April, 1786,<sup>3</sup> to the Governor-General in Council. Two of these dealt with the commercial branch and the third with the administrative. As these letters of Instructions form a sort of a charter for Cornwallis's reforms we may briefly refer to their contents here so far as they have a bearing on our subject.

The Court approved of the reduction in the Revenue Establishment already effected and assured the Government of their co-operative support in all future measures of

<sup>1</sup> *Vide* Proceedings of the Committee of Revenue approved by the Governor-General in Council on April 25, 1786, in J. E. Colebrooke's *Digest of Regulations and Laws enacted by Governor-General in Council for Civil Government of Territories under the Presidency of Bengal*, Vol. III, p. 246.

<sup>2</sup> *Vide* Extract from the Proceedings of the Board of Revenue, dated 13 March, 1787, quoted in Colebrooke, *idem*, p. 351.

<sup>3</sup> *Bengal Despatches*, Vol. 15 (I. O. R.).

economy. They expressed their disapproval of frequent innovations undertaken in the Revenue Department and ordered the Government not to introduce any in future without their previous sanction. They expressed the desire of establishing a permanent system of revenue compatible with the nature of Government, the actual situation of the Company and the ease of inhabitants, and instructed the Governor-General in Council to devise measures for such a settlement and send them for their approval. They ordered enquiries into the grievances and complaints of Zemindars and Rajahs as also into their true status, rights, and privileges, their title, etc., in terms of Section 39 of the Act of 1784. They agreed with Shore, Stuart, Macpherson and Francis on the expediency of stationing Company's servants in the districts. They observed :—

“ these collectorships are to be considered as part of a permanent system, and we now empower you to form the arrangement (subject to our final approbation) under the general directions contained in this letter, in such a manner as you shall think best adapted to the currency of the collections, or the mutual convenience of Government and the inhabitants.”

The size of the collectorships was to be moderate with a revenue assessment of about five lacks of sicca rupees and they were not to be more than twenty or twenty-five in number. The payment of the collectors was to be partly by salary and partly by a commission, as suggested by Stuart. This, therefore, set the Court's seal of approval on the step already taken by the Governor-General in Council, though tentatively, of introducing collectors in some districts. It was now to be made general on a systematic plan. It was pointed out that the Governor-General in Council being now relieved of the details of

collection, would be expected to devote more attention to the supervision and control of the servants engaged in revenue work<sup>o</sup> and to exercise vigilance against the abuse of powers delegated to the servants.

On the question of the desirability or otherwise of the combination of the executive and judicial branches of power in the same officers, after great deliberation they concluded in favour of such combination, as tending in the first place to accord with "the subsisting manners and usages of the people," and in the second place, as tending more to "simplicity, energy, justice and economy." As the collectors would be greatly relieved as a result of the permanent settlement of revenues and of minute details of revenue business, they would be in a position to give greater attention to the duties of the Dewanny Adawlut. The power of apprehending criminals would also be transferred from the judges to the collectors, the power of trial and punishment remaining vested in the indigenous courts as before.

Very soon after taking charge, Cornwallis addressed himself to the task of implementing these instructions. On the 5th of February, 1787, the Governor-General in Council directed the Board of Revenue to prepare a plan for a division of the country into collectorships in such a manner as best comported with the convenience of Government and the people, indicating the broad outlines on which it was to be made.<sup>1</sup>

The task of settlement of revenues on a permanent basis was for the present to be deferred pending the collection of sufficient materials and information, which task was entrusted to the Board. In pursuance of these instructions the Board prepared the plan for the distribution of the country into collectorships

<sup>1</sup> *Vide J. H. Harington, op. cit., Vol. II, pp. 49-52.*

which was approved by the Governor-General in Council on the 21st of March, 1787.<sup>1</sup>

*The New Plan of Collectorships of 1787*

The number of collectors was reduced from thirty-six to twenty-three. Out of the saving in expense effected by this reduction, an increase was proposed to the salaries of the collectors by granting them a commission upon the net collection, not only on the score of inadequacy of their existing pay, but also of the increase in their volume of work as collector, judge and magistrate. Their monthly salary at the same time was increased from Rs. 1,200 to Rs. 1,500. For their guidance in the different capacities, distinct and detailed regulations were framed.<sup>2</sup> The collectors were given superintendency of the Dewanny Adawlut everywhere except at Patna, Dacca and Murshidabad, where an independent civil court continued to exist. Similarly, the collectors were given magisterial jurisdiction except in those three places where it remained vested in the Dewanny judge, and with the exception of Calcutta where it remained with the Supreme Court. In the capacity of magistrates they were invested with the power of apprehending criminals and sending them to the nearest Foujdarry Court except in cases involving petty offences, where they were given the power to try themselves. They were further required to inspect the jails at least once in every month. The Regulations of the 8th of June, 1787, laid

<sup>1</sup> For the plan together with the Minute of the President of the Board, see Extract from the Proceedings of the Board of Revenue, dated 13 March, 1787, in Colebrooke, *op. cit.*, Vol. III, pp. 351-54.

<sup>2</sup> Regulations for the administration of civil and criminal justice were passed on 27 June, 1787, and those for the collection of revenues on the 8th of June, 1787. *Vide* Colebrooke, *op. cit.*, Vol. III, pp. 93, 131 and 253 respectively.

down detailed rules for the guidance of the collectors in the business of revenue collection and also rules relating to their public conduct. They were to keep the several branches of their duty separate. The Collector as well as his European Assistants and the Dewan were forbidden to trade. Apart from these specific obligations the Collectors were enjoined in the " preliminary observations " to the Regulations to be fully alive to the high responsibilities imposed on them and to try to prove equal to them because " the happiness of the individuals under their authority, the prosperity of the country at large, and the interests of the Company, which are inseparably connected with the two former objects," depended in a great measure upon their good management. Among the qualifications required of the new collectors, they mentioned particularly a knowledge of the language of the country as being indispensable and also a general acquaintance with the customs of the country, and the state of the people and local peculiarities.

The arrangements of 1787 were communicated to the Court of Directors in a Letter from Bengal, dated the 31st of July, 1787 and received their approval : <sup>1</sup>

" After an attentive perusal of all your proceedings," they wrote, " we give our entire approbation of the several arrangements which have been made in consequence of the directions contained in our letter of the 12th April, 1786, for reforming and reducing the several Revenue Collectorships, and for vesting the collection of the Revenues, the administration of justice, and the Foujedarry jurisdiction in one person."

<sup>1</sup> *Vide* Letter from the Court, dated 18 February, 1789, ' *Bengal Despatches*, ' Vol. 19 (I. O. R.).



They also approved the allowances granted to the collectors and other officers.<sup>1</sup> The functions of the Board of Revenue in the new scheme of things were defined to be “deliberation, superintendence, and control,” the details of the business of the Revenue Department being vested in the collector and other subordinate officers.<sup>2</sup> Their principal duty henceforth was “to take care, that the officers under their authority perform their assigned duties, with regularity, integrity and assiduity” and in case of their committing any offence, to take necessary penal measures.

### *Concentration of Authority in District Officers of 1787*

The new scheme was put into operation, by the appointment of collectors. In the appointment of the new collectors seniority in service was taken into consideration. The district officer now combined in his person the rôles of revenue collector, civil judge and magistrate. They were, in fact, the supreme local representatives of the Government within their jurisdiction.

<sup>1</sup> These varied with the amount of collections and the size of the charge. They were as follows :—

Collectors each .. ..	Rs. 1,500 per month
For a house and public office .. ..	150 ..
Senior Assistant .. ..	500 ..
2nd Assistant .. ..	400 ..
3rd Assistant .. ..	300 ..

Rates of commission allowed to collectors upon realised revenues :

1 per cent upon the first 10 lacks.
$\frac{1}{2}$ per cent on the remainder.
Rs. 10,000 on 9 and below 10 lacks.
.. 9,000 on 8 and below 9 ..
.. 8,000 on 7 and below 8 ..
.. 7,000 on 6 and below 7 ..
.. 6,000 where the collectorships are under 6 lacks.

<sup>2</sup> Regulations, dated 25 April, 1788, in Colebrooke, *op. cit.*, Vol. III. p. 206.

A long stride had been taken from the 'Supervisors' of 1769 to the 'Collectors' of 1787. Strictly speaking, the office of the district officer (Magistrate and Collector) of the present day is to be traced back to that date; but for several years at least, that is, up to the year 1793, the collectors' authority was much greater than that of the presentday collectors. It has been rightly observed:

“ In the time of Cornwallis the District Officer enjoyed greater authority than the Collector of today, for until 1793 his powers were very inadequately limited by Government Regulations; there were no telegraphs nor railways to bring him effectively under the control of the Central Executive; the specialization of function which came to be so important a feature of British administration, had not begun; and local self-government through the agency of municipal councils and District Boards, which have limited the Collector's responsibility and weakened his authority, were then unknown. It is probable that he worked harder than the Collector today; it is certain that he lived much less comfortably.”<sup>1</sup>

The revenue and judicial work on the civil side thus came to be definitely assigned to the collectors or the Company's servants responsible for district administration. Criminal justice for some years more remained vested in native officials although the collectors had a power of superintendence over them.

In 1790 one more function was given to the collectors, that is, the presidency of the newly created local revenue courts, or Mal Adawlut, as they were called. This was due to the fact that revenue cases took up too much of the time of the Board of Revenue with consequent

<sup>1</sup> A. Aspinall, *Cornwallis in Bengal* (1931), Ch. IX, p. 133.

accumulation of arrears and delay. So it was thought expedient to set up these courts of the first instance, from which cases could come to the Board on appeal. This marked the zenith in the power of the district officer. As one writer has aptly remarked :

“ In the hierarchy of the administration the collector had become by 1790 the bottle-neck through which all lines of control must pass. Though in all his functions responsible to some superior authority he was in practice virtually independent.”<sup>1</sup>

Cornwallis now felt that the time had come to cry a halt to this process and this he did three years later, as we shall see presently.

### *Commercial Reform under Cornwallis*

The Company's administration was organised by Hastings into two main Departments—General and Commercial—between which, as we have seen, a rough separation had been effected in 1774 by the creation of a separate Board of Trade. Cornwallis was too conscious of the importance of the commercial branch to leave it out of his programme of reform. As he himself observed :—

“ Having been early convinced that the welfare of these Provinces, as well as the general prosperity of the Company's affairs depended much on a good plan for conducting the commercial business of this Government, my first care was to ascertain the best principles for carrying on that commerce,

<sup>1</sup> *The Bengal Administrative System, 1786-1818*, By Dr. L. M. Penson in Cambridge History, Vol. V (1929), Ch. XXVI, p. 452.

and the most effectual means for bringing them into practice.”<sup>1</sup>

The Board of Trade was, practically speaking, the supreme authority at the head of the commercial establishment of the Company, being itself imperfectly controlled by the Supreme Council. Under the Board the Company's servants in the commercial branch under the title of Commercial Residents posted in the interior districts secured Investments. For securing Investment three different methods had been tried so far at different periods :

1. Contract with a limited number of native merchants, who dealt with the manufacturers.

2. Agency of the Company's servants, who made advances to manufacturers directly or through their Gomostahs or Banyans for supply of produces.

3. General contract system under which contracts were made by a process of open competitive tender. We have seen that Hastings under the orders of the Directors adopted the contract system in place of the agency system. At the beginning contracts were made with native merchants or agents, the transactions being supervised by the Residents. Later on, the Residents themselves became contractors, practically ousting the native merchants, because nobody dared to disoblige them by trying to compete. They tried to secure goods at the cheapest rates, by extorting the producer and supplied them to the Company at high prices, thus making large profits for themselves. Even members of the Board of Trade were suspected of collusion with these Resident contractors. Apart from this they carried on trade on their own account and in that capacity became formidable competitors of the Company in foreign markets. This was the state

<sup>1</sup> Letter to Court, dated 1 August, 1789, *Bengal Letters Received*, Vol. 28 (I. O. R.).

of commercial affairs when Cornwallis arrived. As he remarked in course of a letter to the Court<sup>1</sup> :

“The various abuses or defects which have long prevailed in the Commercial Department have deservedly attracted the serious notice and reprehension of your Honourable Court..... The prevalence of abuses in this Department has become a matter of general belief and notoriety.”

In their secret letter, dated April 12, 1786,<sup>2</sup> the Court with the approval of the Board of Control directed Cornwallis to make a detailed enquiry into the abuses in the Commercial Department, to be made in the most secret manner, so that the servants of the Company might not try to obstruct it. They had strong grounds for suspicion that the members of the Board of Trade, at least some of them had shared in the profits of the contracts which led to extravagant prices and inferior quality of investments. He was directed further to proceed immediately against persons found implicated in the abuses. As regards the mode of investment to be adopted to put an end to the abuses, the Court suggested alternative modes and left it to the discretion of Cornwallis to adopt any one. They themselves leaned in favour of the contract system subject to some restrictions. While not excluding the Company's servants from entering into contracts, they excepted the members of the Board of Trade and Commercial Residents from such transactions, because they were to supervise these and hear complaints either from manufacturers or contractors. They were also to be forbidden to trade on their own account and by way of compensation, they were to

<sup>1</sup> Letter to Court, dated 1 November, 1788, *Bengal Letters Received*, Vol. 27 (I. O. R.).

<sup>2</sup> *Bengal Despatches*, Vol. 15, p. 379.

be granted a commission of  $2\frac{1}{2}$  per cent to be paid in Bengal on the prime cost of investment and  $12\frac{1}{2}$  per cent to be drawn in London on net profits on sales in England.<sup>1</sup> The number of Residents was to be reduced and they were to be granted similarly a percentage on investment passing through their hands in Bengal and a portion of profits on sales in England, drawn in London. Without loss of time, Cornwallis applied himself “not merely to punish past misconduct or to apply temporary remedies to pressing evils,” but to establish, after mature deliberation, a system of the future provision of the (Company's) Investments in Bengal upon solid and satisfactory principles. So far as the first was concerned, on the orders of the Secret Committee of Account, he caused Bills of equity to be filed against members of the previous Board and contractors furnishing raw silk against whom charges of fraud and collusion were made and suspended them from office pending enquiry.<sup>2</sup> So far as the second was concerned, he differed from the Court of Directors on the efficacy of the contract system in the then existing circumstances. After a detailed investigation of the different modes of investment that had so far been tried he concluded in favour of the Agency system as being the best in the circumstances.<sup>3</sup> Under this system the commercial residents were to be in direct charge of Investment, arranging prices, making advances to manufacturers, receiving from them goods produced,

<sup>1</sup> The estimated net yield was to be divided among the four members of the Board of Trade in the following proportions :

Senior Servant .. .. .	£ 6,000
The Second .. .. .	.. 5,000
The Third .. .. .	.. 5,000
The Fourth .. .. .	.. 4,000
	£ 20,000

<sup>2</sup> *Vide* his letter to them, dated January 15, 1787, in C. Ross, *Correspondence of Charles, First Marquis Cornwallis* (1859), Vol. I, p. 242.

<sup>3</sup> Letter to Court, dated 1 November, 1788. *Bengal Letters Received*, Vol. 27.

and supervising the whole business. In fact, they were to represent the Company in the districts in commercial matters. He wholeheartedly carried out the orders of the Directors in the matter of granting liberal remuneration to the members of the Board of Trade and the commercial residents, because he always believed that the best way of getting honest service from servants and averting corruption and abuses was to pay them decently. But at the same time he differed from the Directors in not prohibiting private trade to commercial servants, because he thought, situated as they were, without much of local superintendence, it was not practicable to enforce such an order. So it was wiser not to prohibit what could not be enforced, as that would simply lead to surreptitious and underhand methods.<sup>1</sup> Previously the weavers were often the victims of oppression at the hands of the contractors or the servants of the company; sometimes they were forced to work for the Company alone, without being in its employ or indebted to it. Protection from such oppression was secured to them under a set of Regulations passed on the 23rd of July, 1787. The new system of investment was partially introduced in 1787 and although it had to meet with many an obstacle at the beginning, within a short time Cornwallis was in a position to report to the Directors that "it succeeded so well, as fully to justify the solidity of the grounds on which it had been undertaken and to evince both the practicability and the advantage of that mode."<sup>2</sup>

The next year turned out to be a particularly bad one, due to some natural calamities, which put the new system to a severe test, but in Cornwallis's opinion, it stood that

<sup>1</sup> Later on Cornwallis changed his opinion on this question and wanted to extend the prohibition in this respect to commercial agents also. *Vide* Cornwallis to Court, dated 2 May, 1792, Home Miscellaneous, No. 79, pp. 515-16 (I. O. R.).

<sup>2</sup> *Vide* letter to the Court, dated 1 November, 1788, (para. 36) in *Bengal Letters Received*, Vol. 27.

test well, proving thereby its inherent soundness. He reported to the Directors :

“ Indeed I have no doubt that the most essential part of the system itself is already in general practice. I believe that your investment is now reasonably and intelligently purchased, and delivered to the Government at its real cost.”<sup>1</sup>

It may be noted that the system introduced by Cornwallis continued without material alteration for the rest of the period of the Company's commercial career.

### *Reform of Criminal Justice*

Thus within a little over a year of his assumption of office, Cornwallis, in accordance with the instructions of the Directors, practically overhauled and purified every branch of the Company's administration. But still one branch remained untouched, that is, the criminal judicature. Although the Company had become sovereigns of their territorial possessions in Bengal, Bihar and Orissa for all practical purposes, they still cherished the fiction of functioning as ‘ King's Dewan ’ only. So they left criminal jurisdiction with the officers of Nizamat, with only some control being exercised by the Company's servants. Cornwallis thought that the time had now come when this highly important branch of administration could no longer be left in native hands, because like Shore he entertained a very low opinion of the character of the natives and regarded them as thoroughly unworthy of any position of trust.

“ We ought not,” he wrote in his minute of December 3, 1790, “ I think, to leave the future control of so important a branch of Government, to the sole

<sup>1</sup> Letter to Court, dated 1 August, 1789 (para. 20). *Bengal Letters Received*, Vol. 28.



discretion of any Native, or, indeed, of any single person whosoever."

He thought that his reforms in other branches would be of no effect, without reform of this branch. Although admitting that great caution was necessary in attempting to reform so delicate a branch of civil government, he felt it absolutely necessary to overhaul this branch. Thus he wrote to the Court on August 2, 1789 :—

" I feel myself called upon by the principles of humanity and regard for the honour and interest of the Company and the Nation not to leave this Government without endeavouring to take measures to prevent in future, on one hand the cruel punishment of mutilation. . . . . and on the other, to restrain the spirit of corruption which so generally prevails in native courts and by which wealthy offenders are generally enabled to purchase impunity for the most atrocious crimes. . . . . I conceive that all regulations for the reform of that department would be useless and nugatory whilst the execution of them depends upon any native whatever."

Cornwallis proceeded in the matter cautiously, however. Before formulating concrete proposals of reform he circulated detailed questionnaires to magistrates with a view to ascertaining the state of the Foujdary Courts, their defects, and collecting necessary information for their remedy. The reports of the magistrates disclosed a sad state of affairs and showed how deep-seated were the evils to be remedied. On the basis of these Cornwallis reviewed the whole position in a Minute, dated December 3, 1790, and formulated proposals of reform.<sup>1</sup>

<sup>1</sup> *Vide* Bengal Rev. Cons., 3 December, 1790, p. 191, Range 52, Vol. 22 (I. O. R.).

The questionnaires to the magistrates form an enclosure to the Minute, together with a circular letter to the Magistrates, dated 19 November, 1789, and the answers of different officers.

The evils of the system arose from two principal sources : (1) Defects in Muhammadan law, and (2) Defects in the constitution of the courts.

So both these had to be modified. But the question was whether his Government had the competence to alter Muhammadan law. He concluded in the affirmative. He argued first from the commonsense point of view as follows :

“ Being entrusted with the government of the country we must be allowed to exercise the means necessary to the object, and end of our appointment.”

Secondly, he justified it on legal grounds by citing as precedent Hastings's code of judicial regulations of 1772,<sup>1</sup> and more particularly the entire alteration in the provisions of Muhammadan law for the crime of Dacoity together with the superintendence and control over all the new criminal courts, assumed by the Company's servants. Parliament's silence on these measures was taken by Cornwallis to signify its approbation and legal ratification. Further he held that by Section 7 of the Act of 1773, which vested “ the ordering, management and government of all the territorial acquisitions, etc., in the Governor-General

<sup>1</sup> Hastings also argued for interference with native laws more or less on the same lines. He wrote in justification of his modification of the law relating to Dacoity : “ Although we propose to leave the Nazim the final judge in all Criminal Cases, and the Officers of his Court to proceed according to their own laws, forms and opinions, independent of the controul of this Government, yet many cases may happen which an invariable observance of this rule may prove of dangerous consequence to the power by which the Government of this Country is held, and to the peace and security of the inhabitants. Wherever such cases happen the remedy can only be obtained from those in whom the Sovereign power exists. It is on these that the inhabitants depend for their protection and for the redress of all their grievances, and they have a right to the accomplishment of their expectation of which no treaties nor casuistical distinctions can deprive them. If therefore the powers of the Nizamut cannot answer these salutary purposes,\*\*\*\*I conceive it to be strictly conformable to Justice and Reason to interpose the authority or influence of the Company, who as Dewan have an interest in the welfare of the country and as the governing power have equally a right and obligation to maintain it.”

Monckton Jones, *op cit.*, p. 332.

and Council," Parliament had by implication positively confirmed the right and legally sanctioned the late act of the Governor-General. He, therefore, concluded in favour of putting an end to the flagrant abuses of the indigenous criminal jurisprudence. What was done immediately was to remove the absurdities of Muhammadan law. The task of systematising the legal system had to wait about half a century more.

As regards the second point, that is, the defective constitution of the courts, he was of opinion that it arose from the absence of all control over them. The judgments of these courts were often arbitrary and irregular and not seldom corrupt. All this he attributed to the criminal jurisdiction having been vested in the hands of natives and he thought that there was no effective remedy for this state of things except by its transfer to the Company's servants. He therefore formulated the following proposals.

The Nizamat Adawlut or the chief criminal court consisting of the Governor-General and Council, assisted by native law officers—the chief Kazi and two Mufties—was to be again removed from Murshidabad to Calcutta, meeting once or twice every week.

It was to take upon itself the exercise of all powers then vested in Mohd. Reza Khan.

A Registrar was to be appointed from among the covenanted servants of the Company to conduct the executive business of the Court.

The Foujdari Courts in the districts manned by Indian judges were to be abolished, their place being taken by four Provincial Courts of Circuit—three for Bengal and one for Bihar. They were to consist of two judges each, appointed from among the covenanted servants of the Company, assisted by two Indian Law officers removable on the orders of the Governor-General in Council and a

Registrar, also a covenanted servant as executive officer with a native establishment. The Courts were to go on circuit through the districts in their division twice a year to try all accumulated cases and after finishing the round fix their residence at the divisional headquarters (Calcutta, Patna, Dacca and Mrushidabad) to try prisoners committed by the city magistrates.

Detailed rules of procedure were laid down for their guidance. The power of hearing and deciding petty cases vested in magistrates in 1787 was further enlarged. He concluded his proposals with a strong plea for giving liberal salaries to judges, magistrates and other officers. He pointed out that although reduction in public establishment had always been in his mind yet the strongest conviction of the necessity of the arrangements alone induced him to propose the addition of these expenses. The Regulations of December 3, 1790, were approved by the Council, with a solitary dissent. So the only remaining vestige of authority of the country government was swept off and the Company became a full-fledged ruling organisation.

### *Police Regulations of 1792*

But still the machinery of criminal administration remained imperfect due to the absence of an efficient police force, and Cornwallis followed up the Reforms of 1790 by a re-organisation of the police establishment of the country. For this purpose the magistrates were required by the Governor-General in Council on October 20, 1790, to report on the local establishments that would be necessary for the preservation of peace in their respective districts and to suggest the best mode of financing them. When the reports of the magistrates were received the whole position was reviewed by the Governor-General in Council

in a Minute.<sup>1</sup> In that Minute it was pointed out that for the effective prevention of crimes it was not enough to provide for the speedy and impartial trial of offenders when apprehended, as was accomplished by the Regulations of December 3, 1790, but it was also necessary to establish an efficient police force throughout the country for effectively bringing criminals to justice. Under the existing arrangement responsibility for policing the country was committed to magistrates assisted by Zemindars, who under the terms of their tenure were held responsible for keeping the peace within their jurisdiction and in the event of a robbery, for producing both the offender and the property plundered.

The landholders were given considerable deduction in their revenue assessment for keeping the necessary establishment of police force. The arrangement, however, proved to be highly unsatisfactory. Not only was the establishment kept by Zemindars very inadequate for the prevention and detection of crimes, but sometimes the Zemindars instead of employing trustworthy persons and allowing them decent pay, disposed of the employments for pecuniary considerations, which were usually purchased by the robbers themselves. The Board, therefore, came to the following conclusions :

“ For the preservation of the peace of the country and the due protection of the persons and property of the people, it is necessary that the landholders should be deprived of the authority which they now exercise under the before-mentioned condition annexed to their tenure, which, instead of answering the purposes for which it was vested in them, has

<sup>1</sup> *Vide* Minute of the Governor-General in Council, dated the 7th of December, 1792, in Bengal Rev. Judl. Consultation of the same date, Range 127, Vol. 85, (I. O. R.). See also App. 13 to the 2nd Report from the Select Committee of the House of Commons (1810).

been the chief source of the disorders that have so long prevailed throughout the country.<sup>1</sup> Police officers appointed by Government must be stationed in the different parts of the Provinces with such powers and such regulations as will enable them to bring to punishment those who live by plunder and rapine unless they relinquish that course of life, and deter others from entering upon it by cutting off all hope of escape from the hands of justice.”

Accordingly the Governor-General in Council passed a number of Regulations, the chief of which are as follows :

1. The Police of the country are to be under the exclusive charge of officers appointed by the Government. The landholders and farmers are not to keep their police establishments in future.
2. Landholders and farmers are not to be held responsible in future for robberies except when they connive at them or assist robbers.
3. Districts are to be divided into convenient jurisdictions, to be guarded by a Darogah and his officers who are to be stationed in the centre of each jurisdiction.
4. These jurisdictions are to be numbered and to be named after the central places.
5. The magistrates are to nominate the Darogahs so that they may select persons duly qualified for the trust, but no Darogah is to be removed from office except upon proof of misconduct to the satisfaction of the Governor-General in

<sup>1</sup> A graphic description of the miserable plight of the inhabitants due to the prevalence of crime and corruption in courts is given in a petition submitted by the inhabitants of Rajshahy to the Board.

(*Vide* Bengal Rev. Judl. Cons., dated 24 February, 1792, Range 127, Vol. 77, pp. 262-79, I. O. R.)

Council and no person is to be appointed without giving security.

Some of the Regulations laid down the procedure to be followed by the Darogahs in discharging their duties. They were to be assisted by a contingent of village watchmen in each village who were to be under their authority. As an inducement to honest work, it was provided that the Darogahs would receive ten per cent on the value of the plundered property recovered by them. But on committing any illegal act they might be proceeded against either in Courts of Circuit or in Dewanny Courts for damages. For the financing of these establishments, on the recommendation of the magistrates, taxes on shops and bazaars were imposed under the Regulations for the establishment of a Police tax passed on the same date. The total expenditure was allocated among the several districts and the magistrate of each district was instructed to collect the quota for his district.<sup>1</sup>

### *Reforms of 1793*

Even after effecting all these reforms in the sphere of the administration of revenues, civil and criminal justice and police, Cornwallis could not feel satisfied. He was quite complacent about the administration of criminal justice and police which he effected on his own initiative, for he remarks on February 11, 1793<sup>2</sup> :

“ the most happy effects have already been felt from the system ; and when the police arrangements adopted on 7th December last shall have been carried completely into effect, there is every ground

<sup>1</sup> *Vide* Colebrooke, *op. cit.*, Vol. III, pp. 478-81.

<sup>2</sup> Cornwallis's Minute of 11 February, 1793, Bengal Rev. Cons., Range LII, Vol. 55 (para. 11). See also App. 9 (a) in the 2nd Report of the Select Committee of the House of Commons (1810).

to expect that murders, robberies, and other criminal offences will, not be more frequent than must necessarily be expected from the vices and passions to which human nature is subject, and which under the best regulated Governments, will always impel some individuals to commit the worst of crimes."

But he was not so happy about the existing arrangement of administration of civil justice effected in 1787 under the Court's orders of the 12th of April, 1786. Under it a distinction was made between revenue courts and civil courts, although both were presided over by the collectors, the same officers who in another capacity collected the revenues and not unoften, were interested parties in the cases which they were called upon to try. Further, there were all sorts of difficulties in the way of appeal from their decisions, the only appellate authority being the Governor-General in Council. It proved, of course, efficacious from the standpoint of revenue collection, but it was hardly in consonance with strict canons of justice.

Cornwallis's attitude towards the question was fundamentally different from that of the Company, which, as was natural to a commercial body, cared more for revenues than for principles of justice. Steeped in traditions of English jurisprudence, with its emphasis on the 'rule of law' and independence of the judiciary, Cornwallis did not feel happy about this combination of different powers in the collectors, which the Directors justified in 1786, as we have seen, on the ground of conformity to "subsisting manners and usages of the people," as also to the requirements of simplicity and economy which they so much emphasised. He laid very great emphasis on the important place of the judiciary in the administrative system of a country and on the importance of securing impartial administration of justice for the security of person and



property, the main object of civilised government on which depended the happiness and prosperity of the people. In his view the interests of the Company, and its political safety coincided in this point with the welfare of the people. But the existing arrangement did not promote this object or ends of justice. According to his analysis the evils of the system were to be traced to its historical origin. To put the thing in his own words <sup>1</sup> :

“ Upon our first obtaining possession of this country, it was expected to be rendered as immediately advantageous as possible to those for whom it was acquired. *The Government was urged to raise a high Revenue, and to provide a large Investment,* without being allowed time to inform themselves of the best means of answering the public expectations, without material detriment to the country. *All other objects were made subservient to these two and individuals readily fell in with the views of the public, as being most favourable to their own.* It will accordingly be found that in the civil branch of the Government, all the early arrangements were framed chiefly with a view to mere collection of the Revenue.”

As a result of this attitude, he contended, too much importance was attached to the collection of revenue to the neglect of the function of administration of justice. Of these two functions of the collector the latter was considered as a subsidiary one. He did not receive any salary as judge or magistrate. Neither did his exertions in this capacity merit any special reward ; nor his lapses any punishment. But “ the least failure in realising the Revenue is immediately noticed, and subjects his

<sup>1</sup> *Ibid*, para 27. Italics ours,

character to imputation, besides occasioning a diminution in his commission." ,

Naturally at the prospect of failure of revenue, the collector relaxed the application of strict principles of justice and sometimes even connived at the oppressions of ryots by farmers and Zemindars. Cornwallis regarded the concentration of executive authority in the collectors as a menace to the liberty of the people.<sup>1</sup> The people were without any effective remedy against their decisions for all practical purposes. Complaints were rarely lodged against them, and even in the event of their having been lodged, the person deputed to hold the enquiry would be helpless in ascertaining the truth in the face of their great influence. And even supposing the collector was punished, which is not very probable, there was no guarantee against the successor not treading the same path. Because it was the system that was to blame and not the man. Hastings was also similarly apprehensive of the despotic authority of the collector, and he found the remedy in the concentration of all authority in the supreme Government, by abolishing local agency altogether. Cornwallis, however, tried quite a different remedy. He retained

<sup>1</sup> On this Cornwallis observes : " The Collector unites in his own person the high powers of Judge in all matters of property, of Magistrate, and of Receiver of the Revenue ; he is the channel of the information upon which Government forms its determination of the Revenue to be assessed on each estate in his district, and through which it communicates with its subjects ; he may suppress regulations which affect their most valuable rights, and the most important arrangements regarding property. In these various capacities there is not an individual in his district whose person and property is not some time or other within the reach of his authority ; such power vested in an individual, and at a great distance from the seat of supreme controul excites terror in the minds of the people, instead of inspiring them with confidence in its protection ; and as they can form no judgment of our Government, but as it is thus shown to them in our representative, the Collector, there is little encouragement for them when oppressed to rely upon our justice for relief." (Para. 32 of the above Minute.)

the collectors, but diminished their authority by splitting up their diverse functions and transferring their judicial functions to a different set of officers.<sup>1</sup> The *Mahl Adawlut*s or Revenue Courts were abolished, revenue cases being made cognizable by the newly created civil courts in each district presided over by European judges. The magisterial powers of the collectors were also vested in these judges. Cornwallis wanted the office of the judge to be the foremost in importance in the civil line. So the persons selected for them were to be distinguished for their integrity, ability and knowledge of the manners, customs, and language of the natives. Their allowances were to be commensurate with the importance of their trust. The task of the collectors being very much simplified under the newly arranged Decennial Settlement and lightened by the transfer of judicial functions, Cornwallis proposed that these offices might be conveniently held by the head assistants of the collectors, and the existing incumbents of collectorships might be without difficulty relegated to the offices of *Zillah* judges or judges of the Provincial Courts, as they had qualified for the work in their existing capacity of Dewanny judges.

To facilitate appeals and place them within easy reach of the people, two things were done : First, four Provincial Courts of Appeal, each consisting of three judges, called Judges of Circuit, were established in the cities of Patna, Dacca, Murshidabad and Calcutta, their jurisdiction being the same as that of the criminal courts of circuit of 1790. Secondly, the judicial regulations requiring a deposit from plaintiffs for the institution of suits as also the one imposing a limitation on appeals were abolished.

<sup>1</sup> In this step it is not unlikely that Cornwallis was influenced by Montesquieu's theory of separation of powers, which was at the height of its popularity at the time, just as, only four years back, the authors of the American Constitution had been.

The gamut of civil and criminal justice under the new arrangement may be represented as follows :—

*Civil Zilah Courts*—*Provincial Courts of Appeal*—*Sudder Dewanny Adawlut.*

*Criminal Zilah Courts*—*Courts of Circuit*—*Sudder Nizamul Adawlut.*

To provide against congestion of cases in the district courts and for the convenience of parties in the interior, a Regulation was enacted authorising the appointment of Native Commissioners to hear and decide, in the first instance, suits of personal property not exceeding the value of fifty rupees.<sup>1</sup> They were to be paid by a small fee on the value of the suit. To secure effectively the people from the oppression of the officers of Government and uphold the rule of law, it was provided that native individuals were to be permitted, under certain restrictions, to prosecute the officers of Government and the Government also through the medium of its officers, in the courts of justice for any injuries which they might sustain in their persons or property in opposition to the existing Regulations. British subjects carrying on trade in the interior districts often oppressed ryots with impunity, because while they could proceed against the natives in the ordinary courts, they themselves could be proceeded against only in the Supreme Court at Calcutta, which was too difficult a process to be resorted to by ordinary men. To guard against such oppression it was provided that no British subjects except Government officers and civil and military covenanted servants of the Company were to be allowed to reside beyond the limits of Calcutta unless they entered into a

<sup>1</sup> In a way this may be said to be the first introduction of Indians into the newly organised administrative machinery. Later, as will be seen, exigencies of administration led to an increasing entry of Indians into the administration, not only in the judicial branch, but other branches as well, together with an increase in their powers and responsibilities.

bond rendering themselves amenable to the country courts of judicature in any civil action instituted against them by natives. Even judges of the different courts were made suable for illegal acts, under certain conditions which secured them against frivolous charges.

The judges of the Zillah and City Courts, were empowered to propose Regulations through the Provincial Courts of Appeal to the Sudder Dewanny Adawlut. Similarly, the Appeal Courts had the privilege of proposing Regulations to the Sudder Dewanny Adawlut, and the latter in turn to the Supreme Board, the idea being perhaps that Regulations should be based upon informed advice of the judges administering them. Regulations passed in each year were directed to be printed and circulated to Government officers and courts for giving them sufficient publicity. Some retrenchment was effected by abolishing a number of offices as well as by amalgamating the establishments of the Sudder Dewanny and Nizamut Adawhluts.

But at the same time Cornwallis made a strong representation, as on other occasions, for granting liberal salaries to collectors, judges and officers of courts according to the importance of the offices.

“It would, in my opinion,” he argued, “be unjustifiable in every point of view, towards a people who pay so great a Revenue, and from whose industry our country derives so many advantages, to deny them the benefit of such part of the public revenue as may be necessary to defray the charges of good government; and I trust I have clearly proved that the proposed arrangements are calculated for that purpose, as well as essential to the future security and prosperity of the British Dominions in Bengal. To have suffered therefore the increase of expence, estimating it (as I have done) at the greatest possible amount, to operate as a bar to the

adoption of them, would have been a destructive and even a criminal species of economy."<sup>1</sup>

Although the plan involved expenditure, Cornwallis gave immediate effect to it without waiting for the sanction of the Court of Directors, thus acting contrary to the positive direction of the Company in their letter of 12 April, 1786. That alone shows how great an importance he attached to it.

### *Cornwallis Code of 1793.*

On a survey of Cornwallis's reforms so far, it will be noticed that at the beginning of his regime the chief aim had been economy, purification and simplification. For the purpose of purification the holders of all important offices were to be Englishmen and were to be paid liberal salaries. For simplification and economy all redundant posts were to be abolished or offices with similar duties amalgamated. In the second period of reform, however, the outstanding aim was the protection of the ryots from oppression and the promotion of the welfare of the people. In terms of one of the Regulations, the Government divested itself of the power of infringing in its executive capacity the rights and privileges, which, in its legislative capacity, it had conferred on the land-holders.

Cornwallis systematised the reforms effected in the different branches of administration by issuing a series of Regulations no fewer than forty-eight, which came to be known as the "Cornwallis Code."<sup>2</sup> In a way its importance lay in defining the existing system which at that time was urgently called for. The Regulations were of an all-embracing character, touching, as they did, the land revenue system, civil and criminal justice, the police as

<sup>1</sup> *Vide* Minute of 11 Feb. 1793, *op. cit.*, (para. 120).

<sup>2</sup> For an abstract of the Regulations in the Code, *vide* Aspinall, *op. cit.*, ch. V pp. 95-98. See also Appendix H.

well as the commercial organisation. Thus Regulation I of the Code revolutionised the land revenue system by introducing the much-discussed Permanent Settlement. Regulation II defined the duties and functions of the Board of Revenue in the new order.\* Although the Code mainly stereotyped the existing system it was not something rigid and inelastic; it contained within itself the germs of expansion and change. By Regulation XX a special procedure was laid down for the proposal of new Regulations by officers. Speaking of the Code, W. S. Seton Karr observes :—

“ The Cornwallis Code, whether for revenue, police, criminal and civil justice, or other functions, defined and set bounds to authority, created procedure, by a regular system of appeal guarded against the miscarriage of justice, and founded the Civil Service of India as it exists to this day.”<sup>1</sup>

#### *Administrative Reorganisation.*

A survey of Cornwallis reforms would remain incomplete without a reference to his efforts at reorganisation of administrative establishments. This was begun, as already noted, during Macpherson's regime in pursuance of a provision of the Act of 1784.

Macpherson literally followed the direction from home and effected economies in establishment by abolishing some posts and reducing the salaries of others. In May, 1786, he created a temporary Secret Department of Reform to push forward the plan. Cornwallis, however, was not guided merely by considerations of economy, but also those of expeditiousness in the conduct of business.

“ Important however,” he wrote to the Court on November 3, 1788, “ as the objects of economy

<sup>1</sup> W. S. Seton-Karr, *The Marquess of Cornwallis* (1898), Ch. IV, p. 95.

must be admitted to be, I confess that I consider it as of a secondary nature to that of establishing useful arrangements for employing and facilitating the dispatch of business at the public offices. . . . . From the materials before you it is open to your own judgement whether we have succeeded in the execution of our own intentions, which as I have already remarked, were to *improve the mode of carrying on the public business* of this Government in point of economy, order and dispatch and to exhibit the nature of the duties, and the precise amount of the 'incomes' of all the Company's servants to the clear observation of your Honourable Court." <sup>1</sup>

His reorganisation embraced all parts of the service—both in the districts and at the headquarters. When Cornwallis assumed office the headquarters establishment consisted of three departments—(1) Public or General, (2) Revenue and (3) Commercial, under two Joint Secretaries. On July 25, 1787, the Secretariate was recreated under one Secretary General with three Sub-Secretaries to keep separately the records of the three Departments. To carry out reorganisation work on a systematic plan the Governor-General in Council resolved on January 31, 1788, to create a branch of the Secret Department styled the Secret and Separate Department of Reform, and to devote one day every week to the examination of the state of public offices in the various departments. By January, 1789, all the branches of the establishment had passed under the scrutiny of the Board in the Secret and Separate Department with the result that

<sup>1</sup> *Vide* Home Miscellaneous Series, No. 369, p. 415. (I. O. R.). Italics ours.



the administrative machinery was thoroughly overhauled.<sup>1</sup> In June, 1788, when the work was nearing completion, the Governor-General in Council wrote to the Court<sup>2</sup> :—

“ We have almost finished the Review in which we have been engaged for some months past of the different offices and establishments under the Government, and many arrangements of a general as well as particular nature have taken place, which we trust will not only make some saving in the annual expence but will tend most essentially to simplify and expedite all the branches of the public business.”

It is not necessary for our purpose to enter into the details of the reorganisation of the several departments, but we may discuss shortly the principles underlying them and the lines on which the reorganisation was effected. The principal aim was to avoid all useless expense, and at the same time to simplify and facilitate the despatch of all branches of public business. So all redundant offices were abolished. The heads of Departments were asked to lay before the Board the minimum establishment required by them to carry on their work, specifying the duties of each office and the proper salary to be paid in their view. Departments discharging duties of a similar character were amalgamated, and civil servants instead of being permitted to work in different Departments were definitely assigned to one Department only. No new offices were created except under extreme necessity. Responsible officers were to be paid adequate salaries, but all other perquisites and allowances were to be stopped.

<sup>1</sup> A summary of the work of the Secret Department of Reform is given in a letter of the Board in the Secret and Separate Department to the Court, dated 9 January, 1789. Home Miscellaneous Series, No. 369, pp. 423-543 (I. O. R.).

<sup>2</sup> General Letter, dated the 5th of June. 1788 (para. 11).

*Guiding Principles of Reorganisation.*

The principles underlying the reorganisation were formulated by Cornwallis in a Minute, dated the 31st January, 1788, as follows <sup>1</sup>:—

- “(a) That the offices for conducting the business of this Government be as few as possible, and no more than the public business requires.
- (b) That the establishment of writers and inferior servants in each office be regulated by the business in it.
- (c) That the salary and allowance to every officer of Government be proportioned to the responsibility of the office he holds, and the unavoidable expenses of the situation.
- (d) That the allowances annexed to the principal and most responsible offices be such as will enable the possessors of them, with proper economy to return to Europe with a competency in a moderate period of service.
- (e) That the salaries to the inferior officers and servants of Government be equal to their subsistence.
- (f) That no Company's servant be allowed to hold an office under two different Departments.
- (g) That all the principal offices be held by Company's servants.
- (h) That it be declared and understood that no officer of Government is to derive any advantages from his office or situation beyond those authorised and allowed.
- (i) That in the application of the preceding principles the strictest economy compatible with them be adopted.”

<sup>1</sup> Home Miscellaneous, No. 369 (I. O. R.), pp. 426-47. See also Letter from Governor-General in Council to Court, dated January 9, 1789, in ‘Bengal Letters Received,’ Vol. 27.

The main task of reorganisation and overhauling of the Departments was completed by the end of 1788. As a result of the reforms of 1790-1793, the judicial establishment underwent a remarkable change. In 1793 the judicial establishment, both on civil and criminal sides, was separated from the Revenue Department and placed under an independent Judicial Department. At the end of Cornwallis's regime, therefore, the civil service of the Company came to be organised under four main Departments : (1) Public or General, (2) Revenue, (3) Judicial and (4) Commercial. On his achievement in the matter of administrative reorganisation he writes as follows to John Motteux, the then Chairman of the Company <sup>1</sup>:

" I have been a most rigid economist, in all cases where I thought rigid economy was true economy. I abolished sinecure places, put a stop to jobbing agencies and contracts, prevented large sums from being voted away in Council for trumped-up charges ; and have been unwearied in hunting out fraud and abuse in every department. As a proof that I have succeeded, you will see this year what never happened before—that our expenses have fallen short of our estimates."

Elsewhere he observes <sup>2</sup>:

" Upon the whole we feel a conviction that our observations and labours will prove of utility to your affairs, and that the regulations and arrangements which we have made will promote the establishment of regularity in the conduct of the business of this Government, uniformity and simplicity in the accounts of its receipts and expenditures, and

<sup>1</sup> Letter, dated 16 December, 1787. *Vide* Ross, *op. cit.*, Vol. I, p. 306.

<sup>2</sup> Secret and Separate Letter, dated January 9, 1789, para. 215.

restrictions upon the latter preventing any abuse of them or improper increase in their amount."

It will appear that although he kept in view economy in establishment, that was not the principal consideration that weighed with him in effecting reorganisation. He valued honest and zealous service above economy, which at the expense of the former was in his opinion false economy.

"I shall never think it a wise measure in this country," he observed, "to place men in great and responsible situations, where the prosperity of our affairs must depend on their exertions as well as integrity, without giving them the means, in a certain number of years, of acquiring honestly and openly a moderate fortune."

He condemned the spirit of false economy of the Directors in strong terms when, after he had sanctioned commissions to the collectors in 1787, he apprehended from the tenor of a letter written by them that they would disapprove of his action. In a private letter to his friend H. Dundas, dated August, 26, 1787, he wrote <sup>1</sup>:—

"But I never can or shall think that it is good economy to put men into places of the greatest confidence, where they have it in their power to make their fortune in a few months, without giving them any salaries.

If it is a maxim that no Government can command honest services, and that pay our servants as we please they will equally cheat, the sooner we leave this country the better. I am sure under that supposition I can be of no use, and my salary is so much thrown away."

But he was no pessimist. He had rather a strong conviction that if the servants were remunerated on a scale which

<sup>1</sup> Ross, *op. cit.*, Vol. I, p. 278.

allowed them a decent living and a moderate saving on retirement, the level of their public conduct was bound to improve.<sup>1</sup>

*Morale of the Services raised—devices to that end : (a) Liberal salaries*

From the preceding survey of the various measures of reform it will appear that Cornwallis not only reconstructed the administrative machinery of the Company with reference to its new duties and responsibilities, but also made every attempt to build up a civil service on modern lines to run that organisation, and in this task he was eminently successful. Although Hastings also before him tried to purify the services, he was not successful to the same extent as Cornwallis, because, as we have seen, he had to work under many handicaps which did not beset Cornwallis. Up to his time the members of the Company's civil service were to a great extent imbued with the spirit of commercial adventurers eking out their poor salaries with any amount of perquisites, many of them of a questionable character, and that not unoften with the connivance of the authorities, more busy furthering their private interests than those of the Company or of the public. Cornwallis wanted to banish this tradition altogether and to build up a regular administrative service of a state. That required a twofold stimulus of rewards as well as punishment.<sup>2</sup>

<sup>1</sup> See his letter to the Court, dated August 18, 1787, *Ibid*, p. 274.

<sup>2</sup> In his Minute of January 31, 1788, Cornwallis observed :

“ All that I mean by these observations (regarding the responsibilities of the Company's servants) is to attract the attention of the Court of Directors to the magnitude of their affairs in Bengal, and to evince the necessity of animating the zeal of their servants, and encouraging the improvement and exertion of those talents which alone can secure the advantages derived from the possessions of the Company in the East, by a well-arranged and well-executed system of Government. This object can

In his opinion, mere punishment of abuses and malpractices would not remedy the evil ; it would perhaps only drive it underground to find outlet through other channels. The wisest course was to remove the prime cause by giving the servants enough legitimately, in order to deter them from having recourse to illegitimate gains; for he believed that the generality of people prefer having a moderate competence by open and avowed means than making a fortune by questionable means. He particularly detested the idea of giving them low salaries, in consideration of their gains from other sources, because that indirectly encouraged the illicit practices. He insisted on giving the servants decent salaries and in lieu thereof demanded a high standard of public ethics and unflinching devotion to public business alone. If in spite of adequate remuneration they deviated from the path of rectitude, such deviation might be justly and effectively punished. But mere punishment of lapses, unaccompanied by liberal salaries, could never secure integrity. Cornwallis observed :—

“ If rigorous punishment be ordained as the penalties of every deviation from the strict line of rectitude, and the Government should depend upon these alone for enforcing honesty, the event will disappoint their expectations. Distress will overcome principle, and although no argument can justify an immoral action, yet reason and humanity will plead in favour of distress and temptation. On the contrary, when a fair reward is allowed for labour and honesty, negligence and speculation should be deservedly punished with all the rigour which the law or the rules of the service can inflict.”

only be effectually obtained by a uniform distribution of rewards on the one side, and of punishment on the other.” (Quoted in Aspinall, *op. cit.*, p. 35.)

Moreover, he argued that their duties were now of such a character that their successful performance demanded from the service some degree of enthusiasm and ardour and not mere clinging to routine, and this could not be expected without satisfaction of their pecuniary needs. After providing for liberal remuneration, not only did he demand honesty and integrity, but he further insisted that all servants, whether in the commercial or the administrative branch, should give up all other pre-occupations and devote themselves completely to public business alone. He wrote to the Court in 1792 <sup>1</sup>:

“ In my opinion the Company will not be well served, and I will even go further and say that the honour and interest of the British nation will never be safe in India until it shall be established as an invariable rule at all the Presidencies, that Company’s servants shall be confined to public business only, and particularly that those in office shall on no account be permitted to be members of Agency or Banking Houses, or to transact mercantile business of any kind upon their own account.”

(b) *Fight against Patronage.*

He followed another salutary principle for securing the efficiency of the service, and in this he was perhaps much in advance of his time—we mean his fight against patronage.

At the time the Company’s service had become, so to say, the dumping ground for friends and relations of the Directors and those connected with them. Jobs were distributed without reference to qualifications.<sup>2</sup> The evil had assumed such proportions as to lead even to needless

<sup>1</sup> Cornwallis’s letter to Court, dated 2 March, 1792, in Home Miscellaneous Series No. 79, pp. 515-16, (I. O. R.).

<sup>2</sup> This has been enlarged upon in greater detail in the next Chapter.

multiplication of offices, and the Court in its letter, dated September 21, 1785, directed the Government in Bengal not to yield to, pressure of influential persons at home, and to be guided by no other consideration than the exigency of administration in effecting retrenchment and economy. But it required a man of Cornwallis's stamina and position to withstand pressure from high quarters at home. He went to the length of refusing candidates recommended by the Prince of Wales <sup>1</sup> and even the Queen. He wrote to Lord Sydney :

“ Lord Ailesbury has greatly distressed me by sending out a Mr. Ritso, recommended by the Queen, but I have too much at stake. I cannot desert the only system that can save this country, even for sacred Majesty.” <sup>2</sup>

He refused to entertain a candidate recommended by his friend Dundas and wrote to him :

“ I must, my good friend, recall to your recollection that no Governor in India can confer an office or employment worth holding, or indeed any substantial favour, on a person who is not a covenanted servant of the Company, without essentially injuring the public interests, and committing an act for which he deserves to be impeached.” <sup>3</sup>

He was so much worried by the constant solicitation of job-hunters that he wrote in disgust to Lord Sydney : <sup>4</sup>

“ I am still persecuted every day by people coming out with letters to me, who either get into jail, or

<sup>1</sup> *Vide* letter to Lord Southampton, dated 7 November, 1789, in Ross, *op. cit.*, Vol. 1, p. 445.

<sup>2</sup> Letter, dated 15 August, 1787. *Ibid.*, p. 273.

<sup>3</sup> Melville papers, Letter, dated 15 October, 1792, quoted in Aspinall, *op. cit.*, p. 31.

<sup>4</sup> Letter, dated 7 January, 1788, Ross, *op. cit.*, Vol. 1, p. 310.



starve in the foreign settlements. For God's sake do all in your power to stop this madness."

It is difficult to say how far he was able to exterminate this evil altogether, but there is no doubt that his stern and uncompromising attitude on the question had the effect of considerably checking it. Appointment from outside the covenanted service was later satutorily forbidden by the Act of 1793 which provided that all vacancies in the civil line of the Company's service in India under the degree of Councillors should be filled up from amongst the civil servants of the said Company only, actual residence in the country for a period, varying with the amount of the salary of the post in question, being also required of the servant.<sup>1</sup>

(c) *Europeanising Superior Offices*

Another thing that he did for what he thought to be in the interest of the improvement of the service was to put Europeans alone in all superior positions. Like Shore,<sup>2</sup> Cornwallis also entertained a very poor opinion of the character of Indians and believed that purity in service could not be secured unless Europeans were appointed to all responsible positions. As we have seen above, he adopted this as one of the guiding principles in the task of reorganisation of establishments. It was this distrust in the capability of Indians to hold responsible positions that impelled him to take over the administration of criminal justice from the control of the Naib Nazim under the direct charge of the Company. He recommended the employment of Indians in inferior positions in all departments, but he honestly believed that in the interests of the natives themselves they could not be entrusted with

<sup>1</sup> *Vide* Section 57 of the Act of 1793 (33 Geo. III, C. 52).

<sup>2</sup> *Vide* Shore's Minute of 13 January, 1782 in Beng. Rev. Cons. of 18 May, 1785.

responsible positions. The idea of self-government as the goal of British rule was as yet a far cry and Cornwallis did not think it a "practical proposition at all, although he was inspired in all his reforms by a solicitude for the welfare of the people; as he conceived it, which according to him was the rock of stability of British rule. In his Minute of 11 February, 1793, he frankly observes <sup>1</sup>:

"Although we hope to render our subjects the happiest people in India I should by no means propose to admit the natives to any participation in framing Regulations."

Throughout his regime he consistently followed this policy, although against the positive direction of the Court of Directors in their letter of 12 April, 1786, which runs as follows <sup>2</sup>:—

"It (refers to the carrying on of collections in districts without any native agency as proposed by Macpherson) would in many cases not be practicable, and in general, by no means eligible in point of policy. At the same time, when the talents of the more respectable natives can with propriety and safety be employed in the management of the country, we think it both just and politic to carry that principle into effect..... We do not hesitate to declare, as a leading feature of our future system that the multiplication of British subjects in the interior Districts or in the subordinate detail of Indian offices, is not necessary to good government nor productive of any benefit to the Company adequate to the vast expense attending it. We conceive also that the natives

<sup>1</sup> Cornwallis's Minute of 11 February, 1793. Beng. Rev. Cons. Range LII, Vol. 55 (I. O. R).

<sup>2</sup> Paras. 17 and 18 of letter, dated 12 April, 1786. Beng. Despatches, Vol. 15.

in general are most competent to the duties of detail in that climate, and in fact have always conducted the laborious parts of them."

Unlike the other means adopted by him for the improvement of the service, this is not, however, above criticism. Of course, the standard of public morality of the Indians employed in the Company's service was none too high. But the same thing was true of the European covenanted servants of the Company before the Cornwallis reforms, as appears from his own account. The situation was not much better at the time even in Cornwallis's own country. So it was not wise to exclude natives categorically from all positions of trust and responsibility unless he believed in the congenital incapacity of Indians, and for such a view there was not sufficient evidence, as later experience has also positively established.

Cornwallis seems to have believed that good government is better than self-government, which, however, has not been accepted as true even in his own country.

There is every reason to believe that if he applied the same remedy to the Indian members of the service as he did to the European, the result would not have been less satisfactory. Perhaps the Directors were nearer right in holding the opinion that it was not good policy to exclude Indians from such employment as could safely be entrusted to them. Particularly, was this true of legislative and judicial work. Experience showed that both laws and their administration by European judges suffered in quality, because of their lack of intimate and detailed knowledge of local conditions, and very soon Cornwallis's policy of distrust of Indian agency in administration had to be given up. Be that as it may, Cornwallis's intentions were above reproach. What he wanted by all these means was a civil service purged of all the prevailing abuses and he

was successful in his attempt to a 'considerable extent. The testimony of Cornwallis's successor, Sir John Shore (later Lord Teignmouth) on this point is convincing. He wrote :—

“ I will venture to say there is little peculation, or sinister emoluments. In this respect the reform is not only considerable, but visible. Our present system is an effectual war to those intrigues which affected the Commerce, the Revenues, and every branch of the public Administration.” <sup>1</sup>

Cornwallis did not remain satisfied with merely devising ways and means for getting a pure service. He also took care that the system of administration contained within itself correctives against the abuse of power by the officials. That was the keynote of the Reforms of 1793. Cornwallis held that the efficacy of the existing system depended entirely upon personal factors, rather than upon the personality of one man in the district, with the lurking danger of abuse and corruption. So he proposed to substitute in its place a system “ upheld by its inherent principles, and not by the personal qualities of those who would have to superintend it.” In the system he then inaugurated adequate safeguards were provided against abuse of power by the members of the service and encroachment on the rights of individuals.

It would not perhaps be any exaggeration to say that Cornwallis for the first time freed the Company's civil service from the traditions of its commercial origin and placed it on the footing of a regular civil service based on modern principles of public administration.

<sup>1</sup> Shore to Inglis, 1795, *vide* *Life and Correspondence of Lord Teignmouth*, Vol. I, p. 329.

## CHAPTER VI.

### THE COMPANY'S CIVIL SERVICE—CONTRIBUTION OF THE FORT WILLIAM COLLEGE AND ITS EVOLUTION

#### *Abuse of Patronage of Directors and the Need of Training of Company's Servants*

The consolidation of the Company as a stable ruling organisation in India was bound to raise, sooner or later, the question of proper selection and, necessarily, of the system of education and training. As Sir John Malcolm very rightly remarks, dwelling on the vital necessity of a constant supply of the best type of administrators for India <sup>1</sup> :—

“ the task of conquest was slight in comparison with that which awaits us, the preservation of the empire acquired. To the acquisition, men have been encouraged and impelled by the strongest of all the impulses of the human mind : fortune and fame have attended success ; the preservation must be effected by that deep and penetrating wisdom, which, looking far to its objects, will oftener meet reproach than praise.”

Elsewhere he observes <sup>2</sup> :—

“ If a succession of men of great talents and virtues cannot be found, or if the operation of any influence or party feelings and principles prevents their being chosen, we must reconcile ourselves to the serious hazard of the early decline, if not the loss, of the great power we have founded in the East.”

<sup>1</sup> Sir John Malcolm, *Political History of India, 1784-1823*, (1826) Vol. II, Ch. IX, p. 66.

<sup>2</sup> *Ibid.*, p. 77.

The best method of selection, he says, admits of much speculative opinion, but as regards the general principle there could be no two opinions.

“Any principle which excludes knowledge, talent, and virtue, in whatever rank or condition of life these qualities are found, from such fair and legitimate objects of honourable ambition, must destroy the competition necessary to form men for the government of British India.”

These sentiments were perhaps a little ahead of the times with which we are dealing. The logical working out of these would perhaps lead to a competitive selection of civil servants and promotion by merit, which had to wait a long time for their acceptance even in the most advanced countries of the West. But from what we have seen of the mode of recruitment of the Company's civil servants in a previous chapter it would appear that it was based on a negation of such principles. It stands to the credit of Wellesley as a statesman that he realised the necessity of some system of training for civil servants with a view to the proper equipment for their duties at the stage in which he found them. The mode of their appointment did not at all ensure the possession of the qualities required of them, although there might be chance cases of successful servants even under that system. In his Minute of 10 July, 1800, on the foundation of the Fort William College,<sup>1</sup> with which we shall deal later, he remarks :—

“Duty, policy and honour require, that it should not be administered as a temporary and precarious acquisition,.....

“It must be considered as a sacred trust, and a permanent possession. In this view, its internal

<sup>1</sup> Extracts from the Minute will be found in Appendix I.

government demands a constant, steady, and regular supply of qualifications, in no degree similar to those which distinguished the early periods of our establishment in India, and laid the foundation of our Empire. The stability of that Empire, whose magnitude is the accumulated result of former enterprise, activity and revolution, must be secured by the durable principles of internal order; by a pure, upright, and uniform administration of justice; by a prudent and temperate system of revenue; etc..... ”

Whether Wellesley's scheme of education for civil servants which was inspired by the above sentiments was calculated to promote his object in view is a question which may be discussed later.<sup>1</sup> Nor would one at the present day endorse his attitude to the Indian possessions. But the point we are here concerned to make, is that he for the first time realised the necessity of ensuring some qualifications in the civil servants which did not necessarily emerge from the mode of recruitment prevalent at the time, *viz.* that of unrestricted patronage in the hands of the Directors.

Wellesley's scheme, at its lowest, served as a sort of a corrective to the vicious character of the patronage of the Directors and we shall discuss it in that light. But before doing so, it would be useful and interesting to discuss the enormity of the practice not only at that time, but even later.<sup>1</sup> That there was corruption and abuse in the distribution of patronage was known to everybody, but at times it became so flagrant as to stir even the rather indulgent public conscience of those days. Thus in 1793

<sup>1</sup> A full account of the corruptions and a systematic traffic in patronage will be found in "A Report from the Select Committee of the House of Commons to enquire into abuses of Patronage of the East India Company, 23rd March, 1809." *Vide Parliamentary Papers*, Vol. II of 1809.

Parliament was moved to deal with it by the Charter Act of the year. In the first place, it reduced the area of patronage by making appointments in the civil line of the Company's civil service below the rank of members of the Executive Council open only to members of the Covenanted Civil Service. In the second place, it imposed an oath on the Directors against making nominations for some consideration, in the following form :—

“ I do swear, that I will not directly nor indirectly accept or take any perquisite, emolument, fee, present or reward, whatsoever, for or in respect of the appointment or nomination of any person or persons to any place or office in the gift or appointment of the said Company, or of me as a Director thereof, or for or on account of stationing or appointing the voyage or voyages of any ship or ships in the said Company's employ, or for or on account of or any ways relating to any other business or affairs of the said Company.”

This was enforced by a bye-law of the East India Company (c. 6. sec. 5) by a penalty in case of acceptance of any monetary consideration, in double the amount, together with disqualification for holding any place whatsoever under the Company. Apart from the oath subscribed to on his election, a director at the time of nominating a Writer had to make a specific declaration on the petition in the following form :—

“ I recommend this Petition, and do most solemnly declare that I have given this nomination to . . .  
 . . . . .and that I neither have received myself, nor am to receive, nor has any other person to the best of my knowledge or belief received, nor is to receive, any pecuniary consideration, nor



anything convertible in any mode into a pecuniary benefit on this account."

In the case of military cadets, there was a further safeguard in the form of a declaration to be signed by the nearest of kin of the candidate to the effect that the nomination was secured gratuitously, without any monetary consideration being directly or indirectly paid for it. Moreover, the printed preparatory instructions, circulated by the Company for the use of the cadets nominated, included one to the effect that any person who shall have obtained a nomination to a situation, civil or military, in the Company's service, either directly or indirectly by purchase, or agreement to purchase through the medium of an agent or other person, was to be dismissed and rendered incapable of holding any situation in future. But as would appear from the revelations made in course of enquiry by the Parliamentary Select Committee mentioned above, all these devices did not prevent a very extensive traffic in these nominations. The Directors themselves from time to time appointed committees<sup>1</sup> to enquire into alleged abuses. Such committees sometimes called upon the Directors to state in writing the names of his nominees with the reasons that induced him in nominating, the parties receiving nomination also being called upon to produce proof of not having received it for any consideration. In spite of all this the fact of extensive traffic in nominations, both for writerships and cadetships, was clearly established before the Parliamentary Committee. The Committee, of course, absolved the Directors of any wilful complicity in such transactions. The evidence tendered before the Committee proved the existence of a sort of a systematic ring which carried on the traffic as a business,

<sup>1</sup> One such was appointed on 25 April, 1798. Another of a new Direction was appointed on 14 August, 1799.

the nomination passing through a chain of middlemen who reaped the profits, both the Director nominating and the candidate nominated being innocent and ignorant of the whole affair.<sup>1</sup>

The Committee remarked :—

“ The oath taken by the Directors seems as effectual as anything which can be devised for the purpose of guarding against corruption, so far as the Directors themselves are immediately concerned ; and your Committee have already remarked, that no case of corruption or abuse, which has been before them, affects any Member of that Court. It is, in the passing through several hands, which happens frequently with regard to the more numerous and less valuable appointments of cadets, that opportunities for this sort of negotiation are presented, which, without a greater degree of vigilance and strictness on the part of each Director, at the time of making such nomination, it will be impracticable to prevent in future.”

The Committee recommended by way of remedy the vigorous enforcement of the existing penal rules imposing the penalty of dismissal on the candidates nominated and the loss of the privilege on the Directors nominating, in case of proof of an illicit traffic. Because they thought,

“ the unpleasant duty of increased vigilance is not likely to be performed without some incitement of benefit or disadvantage, attendant upon the exercise, or neglect of it ; and it is equally conformable to experience to presume, that patronage

<sup>1</sup> One Mr. Tahourdin who figures in a number of cases revealed before the Committee appears to have specialised as such a middleman. It transpired further that seats in Parliament were negotiated through the disposal of Indian patronage.

will continue to be abused, so long as no inconvenience is felt by the person primarily giving, or by the person ultimately receiving it."

It might involve hardship in many cases, the Committee admitted, because many of the young men nominated were often ignorant of the circumstances under which his nomination was secured for him through fraudulent agents, but it could not be helped. Assuming, on the findings of the Committee, the ignorance and innocence of the Directors in all cases, which it is rather difficult to believe, the degree of gullibility of the Directors concerned appears to be astonishing, and further, the negligence and want of vigilance on the part of a responsible body of men as they presumably were, particularly in full view of the knowledge of the existence of a body of such fraudulent agents, should seem to be striking and inexplicable. It is not at all improbable that some of them connived at such practices from interested motives. But in any case the fact remains beyond dispute, being confirmed by the evidence of many witnesses before the Parliamentary Committees appointed from time to time to enquire into the affairs of India, that the Directors in making nominations to writerships were more often influenced by considerations of family connections and kinships and friendship than the qualifications of the candidates. This is not at all to be wondered at, seeing that, in the first place, patronage was looked upon as an indirect remuneration of the Directors' office and as a means of finding careers for young men connected with them; in the second place, there was no sense of public responsibility to check them. So the fault lay more with the system than with the men, and it may be noted in passing that in that age, the distribution of public offices even in England was hardly free from such blemishes. Now so long as the Company remained a purely commercial concern the process of selection did not materially

injure the interests of the Company ; because the duties of the civil servants were mainly of a clerical nature, for which very great ability was not demanded. But at the time we are speaking of, the system proved a hopeless failure in supplying the right type of men required to undertake the new type of responsibilities. Yet it was evident that the abolition of the power of patronage of the Directors was unthinkable at the time. Even one ministry, *viz.* the Coalition ministry of Fox and North fell on that issue. In the circumstances Wellesley took the next best alternative, *i.e.*, to give a systematic training to the Writers after their nomination, before they actually entered upon their duties. Arguing the case for a systematic education and training for the young servants of the Company in a letter to the Court, he writes :—

“ Your servants are nominated to the highest stations of civil government, without any test of their possessing the requisite qualifications for the discharge of the functions of these offices. No such test could now indeed be required, none having been prescribed, and no means having been afforded to individuals of acquiring the necessary qualifications for public stations.”<sup>1</sup>

So it will not perhaps be very incorrect to look upon the scheme as a corollary to and also corrective of the abuses of the patronage system of recruitment to the Company's service.

### *The Origin of Fort William College*

The idea of establishing an institution of the kind of Fort William College first occurred to Wellesley from the

<sup>1</sup> Letter, dated the 9th of July, 1800, from the Governor-General in Council to the Court, quoted in *Despatches, Minutes and Correspondence of the Marquess of Wellesley during his Administration in India*, edited by R. M. Martin, (1836) Vol. II, Letter No. 85.

arrangement though of an imperfect character, of providing facility to civil servants of the Company to learn the languages by employing *moonshies*, i.e., Indian coaches for this purpose.<sup>1</sup> This had become necessary with the servants of the Company, having to discharge the revenue and judicial duties for the performance of which a knowledge of the country languages was essential.<sup>2</sup> But this arrangement was hardly satisfactory for the end in view; because apart from providing an allowance for keeping *moonshies* no care was taken to ensure that they had obtained adequate proficiency in the languages.

<sup>1</sup> A step in this direction appears to have been first taken in 1790. The following extract from the proceedings of the Governor-General in Council, dated 10 September, 1790, may be quoted in this connection: "Resolved, that with a view to encourage the acquisition of the native languages, such of the Honorable Company's writers as are so disposed, be allowed, during the period of their writership, the sum of six rupees 30 per month for a master to teach them: but that the first bill for this allowance (which is to be drawn with their office salary) be not paid until it shall have been signed by the Governor-General, agreeably to the established practice." "Ordered, that it be notified to the Honorable Company's writers, that the Governor-General will not be inattentive to the progress which they make in acquiring the country languages, and that it is the intention of Government to withdraw the allowance for a master from those who, on an examination by such persons as the Governor-General may think proper to appoint, from time to time for this purpose, shall be found not to have made a reasonable proficiency therein." [Quoted in *The Good Old Days of Honourable John Company*, by W. E. Carey, Vol. III, Ch. V, p. 30. *Vide* also Bengal Public Cons. of the same date, Range, 3, Vol. 54, pp. 467-68 (I. O. R.).]

<sup>2</sup> It may be pointed out that even as early as 1757, i.e., before the Company acquired territorial sovereignty the attention of the Court had been drawn to the need of giving to their servants a training in Persian, the then official language in the country, as will be evident from the following extract, embodying an order of Court issued in 1757 to the effect that "five young gentlemen, covenanted for our establishment, should be sent, by the first ships bound to Bombay, to reside at Bussora, and to send annually two others on the same footing, to study the Persian tongue and nothing else, to rise in the service as our other servants do, receiving such allowance and salary during their stay as you may judge fit, and when qualified to be of use, to come to Bengal and take their standing according to their rank in the service; which we esteem to be the most effectual method of getting Europeans perfected in the pure genuine Persian speech and literature, and we dare say will be attended with many future advantages to the Company's affairs." (Quoted in *idem*, p. 28.)

There was no test to be passed, nor was a knowledge of the language made a condition of appointment or promotion. One Mr. John Gilchrist, a scholar in country languages, subsequently the Professor of Hindustani in the Fort William College and the author of a Hindustani dictionary, offered his services for teaching the language to the Company's servants for no additional compensation beyond the allowance then established for *Moonshies*, which instead of being given to each writer on his arrival should be paid to him. The Governor-General in Council readily accepted the offer as being highly beneficial in promoting a due knowledge of the language among the junior servants and directed such of the newly arrived Writers as were stationed at Calcutta to be under Mr. Gilchrist's instruction for a year. To put the matter on a regular and systematic basis, Wellesley took two steps. In the first place, he had a notification issued (Notification of the Public Department, dated 21st December, 1798) to the civil servants on the Bengal establishment informing them that,

“ from after the 1st January, 1801, no servant shall be deemed eligible to any of the offices hereinafter mentioned, unless he shall have passed an examination (the nature of which will be hereafter determined), in the laws and regulations and in the languages, a knowledge of which is hereby declared to be an indispensable qualification.”

The languages referred to in the notification were Persian and Hindustani for the office of Judge or Registrar : Bengali for Collector of Revenue or Customs or Commercial Resident or Salt Agent in the Provinces of Bengal or Orissa and so on. In the second place, it was arranged that after a year an examination was to be held for the purpose of ascertaining the efficiency of the mode of instruction. It may be noted here that a Committee consisting of five

senior servants of the Company was appointed to ascertain the progress made in Hindustani and Persian by the students,<sup>1</sup> and the Committee after holding an examination submitted a very favourable report on the progress of the students. The names of successful students were published in the Gazette and prizes conferred "as public marks of distinction."<sup>2</sup> But this was meant by Wellesley as a preliminary experiment to lead up to a more extensive "plan for promoting the study not only of all the languages, but of the code of Regulations and Laws, of which a knowledge is requisite in the Judicial, Revenue and Commercial Departments." This was his first hint at the establishment of a regular institution for the systematic education of the junior civil servants. It would have been perhaps sooner followed up but for his sudden departure for Madras Presidency on urgent business. But "even before writing to the Court about his bigger plan, Wellesley had written about his intentions in the matter in a private letter<sup>3</sup> to his friend Henry Dundas, the then Chairman of the Board of Control. He wrote :—

" I think it necessary to apprise you of my intention to adopt without delay a plan for the improvement of the civil service at Bengal in a most important point."

In justification of his proposed plan he draws attention to the prevailing inefficiency of the civil service which in his judgment, could only be removed by a course of

<sup>1</sup> *Vide* Extract from Public Letter from Bengal, dated 2 September, 1800, respecting the appointment of the Committee in Home Miscellaneous Series, No. 487 (I. O. R.), pp. 177-82.

<sup>2</sup> *Vide* Report of the Committee on the Results of the Examination, (printed paper) Calcutta Gazette, dated 29 July, 1800, *Ibid.*, p. 167.

<sup>3</sup> *Vide* R. M. Martin, *op. cit.*, Letter No. 39, dated 24 October, 1799.

systematic education and discipline at a collegiate institution. He observes :—

“ The state, of the administration of justice, and even of the collection of revenue throughout provinces affords a painful example of the inefficacy of the best code of laws to secure the happiness of the people, unless due provision has been made to ensure a proper supply of men qualified to administer those laws in their different branches and departments..... It arises principally from a defect at the source and fountain-head of the service—I mean the education and early habits of the young gentlemen sent hither in the capacity of Writers. My opinion, after full deliberation on the subject is decided, that the Writers, on their first arrival in India should be subjected for a period of two or three years to the rules and discipline of some collegiate institution at the seat of government.”

He felt the matter of such urgency, he wrote, that he proposed to found such an institution at Calcutta without waiting for the orders from Home and that he had already taken some steps towards it. He was encouraged in this move by the reply <sup>1</sup> he received from the Directors to his letter cited above, dated the 25th of December, 1798, regarding the instruction of the junior civil servants by Mr. Gilchrist and referring to a more extensive plan. They wrote <sup>2</sup> :—

“ Sensible as we are of the great importance of our servants in general, obtaining a proficiency in the

<sup>1</sup> *Vide* Public Letter to Bengal, dated 7 May, 1800, para. 66 (Home Miscellaneous, No. 488, I. O. R.).

<sup>2</sup> Extract from Public Letter to Bengal of 7 May, 1800, in Home Miscellaneous Series, No. 488, pp. 5-6.



country languages, as well as a correct knowledge of the Code of Regulations and Laws which have been recently established in order to qualify them for the several offices in the Judicial, Revenue and Commercial Departments, we have further to signify our approbation of the arrangement intended by his Lordship upon a more extensive plan on the principles laid down in the public notification annexed to the Governor-General's Minute before mentioned to commence with the year 1801."

It may be noted in passing that Wellesley took this to mean, as he later argued, a general concurrence in whatever plan he formulated for the education of the junior civil servants. But as would appear presently, in this he was sadly disillusioned. Wellesley therefore went ahead with his plan. His reasons for establishing a Collegiate institution for a systematic course of education and discipline were amply explained in his private letter to Dundas noted above and next in a letter addressed to the Court, dated July 9, 1800,<sup>1</sup> on the subject. In this letter he expresses his intention to reorganise the departments concerned with important legislative and executive work in such a way as to place at their heads only men of ability, integrity and experience. Hence in his opinion, it became imperative to take measures for keeping up a constant supply of men of the right stamp. He pointed out also that the state of things existing at the time were far from the ideal in this respect. He did not blame the servants for their incapacity, but the system which brought them into service without proper equipment. These considerations, he pointed out, led him to the decision to found a collegiate institution to enable the civil servants to equip themselves

<sup>1</sup> Letter No. 85, dated July 9, 1800, from the Governor-General to the Court. Vide R. M. Martin, *op. cit.*, pp. 322-24.

for the responsible work in the different lines of the Company's service, being attached thereto for a period more usefully than being "employed in the unprofitable occupation of transcribing papers, and abandoned to the dictates of their own discretion, both with regard to their morals and acquirements." It appears that he had not yet made up his mind whether there should be one central institution for all the three Presidencies or three separate ones. But as under instructions to the other two presidencies the civil servants of those establishments were also to be called upon shortly to exercise the same important functions as those of Bengal, some similar provision for their training was equally urgent. He concluded the letter on an optimistic note regarding the probable attitude of the Directors :—

"As it cannot fail to redound equally to the honour and happiness of the civil servants, as well as to promote the solid and substantial interests of the Company, and of the nation, we feel the strongest conviction that it will meet your approbation."

His plan was now almost complete and he incorporated it in an elaborate minute,<sup>1</sup> setting forth in detail the considerations which rendered the college desirable and the arrangements he proposed to make to carry out his intentions. Without waiting for the sanction of the Directors, and without even sending an official despatch on the subject, he circulated a draft of a Regulation for giving effect to the plan, which being approved by the Council became the Regulation IX of 1800.<sup>2</sup> He did not enter

<sup>1</sup> *Vide* Appendix I, for important extracts from the Governor-General's notes for an Official Despatch, dated Fort William, 10 July, 1800.

<sup>2</sup> *Vide* Bengal Judicial Consultations, dated 10 July, 1800. See also Home Miscellaneous Series, No. 488, pp. 7-17. The Regulation IX of 1800 is reproduced in Appendix J.

into full details of all the important considerations connected with the foundation of the Institution, such as financial arrangements,—being at the time indisposed,—which he, however, promised to consider in Council shortly. This clearly demonstrates the exuberance of his enthusiasm for the Institution.

*The Original Constitution of the College under Regulation IX of 1800 and the First Statutes*

The College actually opened on the 24th of November, 1800, from which date lectures in Arabic, Persian and Hindustani began, but the first statutes of the College were not promulgated by the Provost under the Regulations of 1800 till the 10th of April of the following year.<sup>1</sup> We may give here a short account of the original constitution and the system of instruction of the College under Regulation IX of 1800 and the first statutes. The Governor-General was to be the Patron and Visitor of the College and the members of the Supreme Council, and the judges of the Sudder Dewanny Adawlut, and of the Nizamut Adawlut, the Governors. The Governor-General in Council were to be the trustees for the management of the funds of the College, being required regularly to submit accounts to the Court of Directors. Thus the ultimate controlling authority was to vest in the Supreme Government. But the immediate government of the College was to vest in a Provost and a Vice-Provost,<sup>2</sup> and such other officers of the College as the Patron and Visitor thought fit to appoint, these officers being also removable at his discretion. The

<sup>1</sup> Bengal Public Consultations, dated 16 April, 1801.

<sup>2</sup> It may be noted that the offices of Provost and Vice-Provost were abolished in 1807 by Regulation III of that year, the immediate government of the College being vested in a College Council, which was empowered to propose statutes to the Governor-General in Council and to frame rules for the internal discipline of the College. The College Council also was abolished in 1814 by Regulation XX of 1814, all authority being concentrated in the Governor-General in Council.

primary duties of the Provost were to consist in receiving junior civil servants on their first arrival, "to superintend and regulate their general morals and conduct; to assist them with his advice and admonition; and to instruct and confirm them in the principles of the Christian religion, according to the doctrine, discipline and rites of the Church of England, as established by law." To discharge the latter duties properly, the Provost was to be a clergyman of the established Church of England.

### *Syllabus of Study*

It may be noted in passing that Wellesley's ideas on education of civil servants were naturally oriented by the prevailing influence and control of the Church over the educational system in England at the time. The power of framing statutes respecting the internal regulations, discipline, and government of the College was vested in the Provost, under the superintendence of the Governors, but they could be enforced only with the sanction of the Governor-General in the capacity of Patron and Visitor, who was further empowered, on his sole authority, to amend or abrogate any existing statute, or to enact any new statute. Thus the college was placed in a way under the direct guidance of the Governor-General. As regards curriculum, Wellesley provided a mixed course of instruction, rather of an ambitious character, consisting of both Western and Oriental studies. It was provided that Professors should be appointed and lectures commenced at the earliest opportunity in Oriental languages, Muhammadan and Hindu Law, Ethics, Civil Jurisprudence, the Law of Nations, English Law, the Regulations and Laws passed by the Presidency Government, Political Economy with special reference to the commercial institutions and interests of the Company, Geography, Mathematics, both Classics and

modern languages of Europe, General History, ancient and modern, the history and antiquities of Hindustan and the Deccan, Natural History, Botany, Chemistry and Astronomy. It will be seen that here Wellésley betrayed a lack of sense of proportion and of what could properly be done within the time available for the education of the servants. It seems to us that Warren Hastings's comments on his scheme of education were very proper and fair and his suggestions for making it more practicable were also very sound. While convinced of the necessity of the Institution and of its fitness to serve the purpose, he pointed out <sup>1</sup> :—

“ It may on the first view of it, be deemed liable to the objection of embracing too many objects ; but this is not so much an objection to the proposition itself, as to the form of it, which does not mark with sufficient precision those parts of it which are intended for immediate execution, to distinguish them from others which may be left for future revision and adoption.”

For the purpose that he had in view, *i.e.*, to give the junior civil servants an education and discipline to fit them for their work, he might very well have omitted the scientific studies and also the Classics, both European and Indian. The study of the Oriental languages for individual students might be considerably lightened by offering a choice according to the destination and field of work of the students. A broad liberal education combined with professional requirements might very well be ensured through instruction in history, political economy, principles of jurisprudence together with one or two Oriental languages, being the vernacular of the respective provinces and Persian, which was at that time the language used in revenue and

<sup>1</sup> *Vide* Home Miscellaneous Series, No. 487 (I. O. R.), pp. 193-219.

judicial branches, Hindu and Muhammadan law and the Regulations passed by the Presidency Governments. All new recruits to Bengal were required to be attached to the College for the first three years<sup>1</sup> after their arrival, during which period the prescribed studies in the College were to constitute their sole public duty. But by judicious elimination and selection of subjects for different classes of servants, the course might be considerably shortened, thus not only effecting a saving on *per capita* expenditure on their education, but also releasing them earlier for active service. Even during their period of residence in the College they might be brought into touch with some branches of work as probationers. Apart from adding to the interest in their work at College, it would have given their education a more practical bent, while making their service partially available to the Government. With such changes, perhaps, he could have considerably knocked off the ground of the subsequent hostility of the Directors to his scheme.

Two public examinations, each year, were provided for, and to stimulate exertion in the students, prizes and rewards were awarded on the result of the examinations. Degrees were also to be established, the attainment of which was to be rendered requisite qualifications for certain offices. Although the College was mainly meant for the civil servants of Bengal, provision was made for the admission of any military servants of the Company and civil servants of the other two establishments by order of the Governor-General in Council for such term and under such regulations as were deemed advisable. All civil servants on the Bengal establishment of less than three years' standing were ordered to be immediately attached to the

<sup>1</sup> This requirement was modified by Regulation III of 1807, under which the students' continuance at the institution was to be determined by their proficiency in the prescribed course of study.

College for three years from the date of the regulation. Wellesley was in favour of a central institution at Fort William, not only on the score of economy of establishment, but also of securing uniformity in the standard of acquirements of all the civil servants. It would, in his opinion, produce a healthy spirit of emulation, but he left the question open for the Court to decide, and as we shall see, the Court did not approve of the idea. He suggested in his Minute on the scheme of the College that instead of fixing up the ultimate destination of the student to a particular Presidency at the time of his first appointment in England, it would be more advantageous to the public service that it should be determined in India under the authority of the Government on the spot, according to the inclinations and acquirements of the students themselves. It seems to us that there was much substance in his argument. But this was also objected to, as it was viewed as an encroachment on the authority of the Directors. Under the first Statutes of the College<sup>1</sup> promulgated on 10 April, 1801, every student on admission had to subscribe to a formal Declaration to conform to the Statutes and Rules of the College, to maintain its honour, and to obey all officers of the College. Every superior officer, and Professors and Lecturers of the Institution had to take an oath of allegiance to the King and further to subscribe to a Declaration, in a prescribed form. In that form he had to promise that he would not teach or maintain publicly or privately any doctrines or opinions contrary to the Christian religion or doctrine or discipline of the Church of England, nor any doctrines or opinions contrary to the lawful constitutions of Great Britain and that he would obey the Statutes and Rules of the College and maintain and promote order, discipline and good morals,—

<sup>1</sup> These remained in force till 1807, when they were altered, though not in very important matters. They underwent further changes in 1809, 1814 and 1816.

another instance of the influence of the orthodox Church on the system of education. There was to be a College Council, consisting of five members including the Provost and Vice-Provost in charge of the academic side of the Institution with power to propose to the Visitor the enactment of every existing statute and to enact rules and private regulations for the internal government and discipline of the College. Lectures and courses were to be determined by the College Council, which was also to appoint the Committee of examinations in different branches. At the end of three years or twelve terms certificates on the result of the work of students were to be granted by the College Council, a degree of honour being conferred by the Visitor in cases of special proficiency in any subject. Public disputations in Oriental languages by the students were to be held, to increase the proficiency of the students. The students were to receive during their residence at the College an allowance of three hundred rupees a month and to dine at the public table. In view of this liberal allowance, incurring of debt was prohibited, on pain of losing the certificate.

### *Some Observations on the College*

So the College began its career, the first regular term being notified by the Provost to begin from 6 February, 1801. Before describing its subsequent fortunes, we may make some general observations on the College as originally conceived and started by Wellesley. We may conveniently discuss the matter under the following heads :—

- (a) How far Wellesley's contention regarding the necessity and utility of an institution like the one he founded was correct.
- (b) How far the purposes he had in view were served by the institution and in what directions improvements were possible.



So far as the first question is concerned, Wellesley's arguments are based on indisputable fact, as given in his Minute of 10 July, 1800, and also his letter to Dundas already referred to. He had shown that though the service had changed from a commercial to a political and administrative body for all practical purposes, the training, if any, that the servants had, had a commercial character.

"It is unnecessary," he says, "to enter into any examination of facts to prove, that no system of education, study, or discipline now exists, either in Europe or in India, founded on the principles, or directed to the objects described in the preceding pages."

They usually came at the age of sixteen to eighteen. From this fact alone can be guessed the sort of education with which they could be expected to come, taking into account the backward state of the educational system prevailing in England at the time. Moreover, what little education they had there, was interrupted by their coming over to India and joining their duties straightway, and then the system of patronage as we have seen did not ensure the selection of the best qualified men. In the words of Wellesley :—

"Positive incapacity is the necessary result of these pernicious habits of inaction; the principles of public integrity are endangered, and the successful administration of the whole government exposed to hazard..... Even the young men whose dispositions are the most promising, if stationed in the interior of the country at an early period after their arrival in India, labour under great disadvantages. They also find themselves unequal to such duties as require an acquaintance with the languages, or with the branches of knowledge already described."

In his Minute he summarised the causes of shortcomings of the service under the following heads :—

1. An erroneous system of education in Europe, confined to commercial and mercantile studies.
2. The premature interruption of a course of study judiciously commenced in Europe.
3. The exposed and destitute condition of the young men on their first arrival in India, and the want of systematic guidance and an established authority to regulate and control their moral and religious conduct in the early stages of service.
4. The want of a similar system and authority to prescribe and enforce a regular course of study, under which the young men, upon their arrival in India, might be enabled to correct the errors or to pursue and confirm the advantages of their European education, and to attain a knowledge of the languages, laws, usages and customs of India; together with such other branches of knowledge as are requisite for qualifying them for their several stations.
5. Fifthly, the want of such regulations as shall establish a necessary and inviolable connection between promotion in the civil service, and the possession of those qualifications requisite for the due discharge of the several civil stations.

These conditions supply the key to his whole scheme and were woven into the texture of the Regulations and Statutes governing the College. If these facts are accepted, the conclusion becomes inescapable that there was an imperative need for some system of education and discipline for the civil servants in their new phase of development, prior to their assuming the responsibilities of office in the

provinces. Even the Directors when disapproving of his plan and ordering the immediate abolition of the Institution were forced to acknowledge the merit of his plan.<sup>1</sup>

Their differences with Wellesley centred round the dimensions of his plan and the consequential financial burdens. Looking back to the conditions of the time, no one would perhaps deny the imperative necessity of some system of education and training as urged by Wellesley. But when we come to the second question noted above, *viz.* whether the purposes that Wellesley had in view were best served by the institution he founded, we stand on more debatable ground. We leave aside for the moment the more general question as to whether a specialised institution like the Fort William College was suited for the training of civil servants, because we shall discuss this at a later stage in connection with the other similar institution at Haileybury. Of course it must be admitted that the Fort William College, as established by Wellesley, was not given a fair trial on account of the opposition of the Directors, and the institution, with a very much reduced establishment that was ultimately allowed by them to continue, was only the shadow of its former self, as designed by Wellesley. So it would not be fair to lay at the door of his institution all the charges that have been subsequently brought against it. We shall here argue on the assumption of the continuance of the institution as originally planned and established by Wellesley. But we must first touch on the commendable features of his plan. In the first place, underlying his scheme there were two very sound maxims,—one was that the education of the Company's servants must be of a mixed character, combining studies

<sup>1</sup> They wrote :—“ Although we feel and acknowledge the just merit of the Marquis in the conception of the plan, which breathed a liberal spirit and is enforced with great ability, etc. . . . . ” (*Vide* para. 1 of the Court's Letter to Bengal, dated 27 January, 1802, in ‘*Bengal Despatches*’, Vol. 37, (I. O. R.).

of both the West and the East and the second was a combination of education with discipline. On the first he wrote :—

“ Their education should be founded in a general knowledge of those branches of literature and science, which form the basis of the education of persons destined to similar occupations in Europe ; to this foundation should be added an intimate acquaintance with the history, languages, customs and manners of the people of India ; with the Mahomedan and Hindu codes of law and religion ; and with the political and commercial interests and relations of Great Britain in Asia, etc..... ”

As it was practically settled since the time of Cornwallis to administer the Company's territories on western lines, as far as practicable by grafting western institutions on those of the East, Wellesley was right in insisting on a mixed course of studies. As regards the other principle, perhaps too much emphasis could not be laid upon it, particularly for the Company's servants in that period. We have already enlarged in a previous chapter on the indiscipline and corruptions among the Company's servants, when they suddenly found themselves the masters of a great country without a corresponding sense of responsibility. In their new situations early habits of discipline became urgent. As Wellesley put it :—

“ Their early habits should be so formed, as to establish in their minds such solid foundations of industry, prudence, integrity and religion, as should effectually guard them against those temptations and corruptions, with which the nature of this climate, and the peculiar depravity of the people of India, will surround and assail them in every station, specially upon their first

arrival in India. The early discipline of the service should be calculated to counteract the defects of the climate, and the vices of the people, and to form a natural barrier against habitual indolence, dissipation and licentious indulgence :  
 .....

He gave evidence of a keen insight in including social studies like political economy, ethics, principles of jurisprudence, history, languages and manners of the people of India, Hindu and Muhammadan law in the curriculum of studies for the civil servants, as being necessary for supplying that liberal outlook which is vital in able administrators. In this perhaps he was much in advance of his times. But as we have seen already, he made his curriculum rather too heavy and elaborate for men of even more than average ability and intelligence to cover within the time. Many of the subjects, particularly the scientific ones, could be conveniently omitted without impairing in the least the efficacy of the institution as a training ground for civil servants. Of course this was a minor defect which could be corrected in course of time with experience of its working. It was pardonable in the author of the scheme, seeing that he was not a professional educationist, and that educational ideas at the time in England were not very advanced. The course of instruction at the College might be made much more useful by another device, having in view the purposes of the institution. Senior servants of the Company in the different branches of the service—Revenue, Judicial, Political, etc.—might usefully be asked to deliver lectures on subjects and problems based on their practical administrative experience. Besides, the students might be sent to the interior during vacations, being attached to responsible officers. This personal contact with the senior servants with an access to their experience, together with early acquaintance of the fields of their future

activity would have been a very useful complement of their academic training in the College at the headquarters. It might have also the effect of bridging the gulf that existed for a novice in the service, between the world he came from and the new world he found himself in, at an early period of his career and paved the way for accommodation to new conditions. We should note just another point in this connection, *viz.* the need of a comparatively stiff entrance examination. A fairly high standard of work in the institution, on which Wellesley seems to have set his mind, presupposed, as a condition of its feasibility, a fairly good average ability in the students who gained admission into it, if they were to benefit at all by the course of instruction. But this condition was rendered impracticable by the system of patronage of Directors, which, of course, was beyond the control of Wellesley to counteract or set aside. The same difficulty was experienced in the matter of enforcing discipline in the institution. As we have seen, Wellesley laid very great emphasis on this factor. But in spite of the statutes and regulations the standard of discipline was far short of what was desirable. There were very few cases of expulsion or sending back to England for breach of rules such as incurring of debt and violation of the rules of the Institution. Subsequently, passing in two oriental languages was made the condition of appointment, but if the students failed to pass within a prescribed period the only penalty was to send them into the provinces and they were to take successive examinations till they passed. Now a great part of the efficacy of the institution rested on a rigid enforcement of disciplinary rules, which was impracticable in the face of the patronage and backing of the Directors that not a few of the students enjoyed. In our view, therefore, Wellesley's institution, even if it started on its career under the best auspices, could not fulfil its

purpose,' as long as this pernicious principle of patronage continued, as it was calculated to cut right across the essential conditions of its success. But that is no disparagement of Wellesley's enterprise in the matter. All things considered, his move was no doubt in the right direction. That is amply demonstrated by the fact that the Court of Directors though immediately opposing his action, ultimately set the seal of approval on his policy by themselves founding a similar institution in England. Special credit is to be given to Wellesley as the originator of the idea of a system of education and discipline for civil servants in India at a time when nobody even thought of such a thing in England for the Home Civil Service.

### *Opposition of the Directors*

In his famous Minute, Wellesley anticipated the Directors' objections to his scheme on two grounds, although he could not correctly foresee the strength of their feelings on the point. The first was the founding of the College without waiting for the sanction of the Directors, and the second was the question of finance. Of course so far as the first point was concerned, he committed a tactical blunder, not unusual, where there is great enthusiasm. He explained his action, however, in the Minute on the following grounds :

1. He found the results of a preliminary experiment in giving some training to the recruits through Mr. Gilchrist's seminary very encouraging.
2. His anxiety to impart to the very promising young men recently arrived from Europe a share of the advantages of education in his proposed Institution and his eagerness to superintend personally the foundation of the Institution and to accelerate and witness its first effects.

As regards finance, even in his Minute he provided for the current expenses of the College by a small contribution from all the civil servants in India, to be deducted from their salaries, so that it might not be a burden on the finances of the Company. If that source proved inadequate it was proposed to supplement it by the fund then applied to *Moonshies'* allowance and profits from a new arrangement of the Government printing press. He expressed, of course, the hope that when the utility of the institution would be brought home to the Directors they would extend their liberality towards it to an extent commensurate with its importance. In that event, he suggested that the Directors would do well to endow the institution with a rent charge upon the land revenue of Bengal and Mysore, thus relieving the civil service in India from the tax proposed. But that he did not quite bank upon the liberality of the Directors is evident from the fact that in his letter to the Court of July 31, 1801,<sup>1</sup> he informed the Court that the expenses, of the College would be charged on the produce of new resources in the shape of some town duties and Government Customs revived by Regulations V, X and XI of 1801, so that there might not arise any objection to the institution on financial grounds. In that letter he explained also that the proposed duties would produce a large revenue "without affecting the growing wealth and prosperity of these territories." All the advocacy and arguments of Wellesley, however, fell flat on the Directors, who in their letter, dated January 27, 1802<sup>2</sup> vetoed his scheme outright and ordered the immediate abolition of the institution, commending the plan of Gilchrist's seminary on an enlarged scale instead, as adequate for the purposes in view. They

<sup>1</sup> *Vide* Letter to the Court, dated 31 July, 1801, in "*Bengal Letters Received*," Vol. 41 (I. O. R.), p. 461.

<sup>2</sup> *Vide* "*Bengal Despatches*," Vol. 37, p. 59. See also *Home Miscellaneous Series*, No. 487, pp. 245-55 (I. O. R.).



pointed out further that when they approved in their letter of May 7, 1800, of his proposals in his letter, dated December 25, 1798,<sup>1</sup> for formulating a more extensive plan, they had never thought that he had had in mind such an elaborate plan as the one he developed, and that they only meant to sanction the principles on which Mr. Gilchrist's seminary was instituted. They were not also in favour of having one central institution at Fort William serving the needs of all the Presidencies. They immediately issued an order to Madras in their letter of March 12, 1802,<sup>2</sup> that the Writers of that Presidency were not in future to be sent to Fort William for the purpose of education and directing that Government to make some arrangement of their own. Although their objection was mainly based on the ground of expense<sup>3</sup> they strongly disapproved of the procedure adopted by Wellesley in founding the College without their previous sanction. They smarted under a sense of wounded pride and almost laboured under a sort of personal animus against Wellesley which blinded them to all reason, and made them incapable of seeing things in their proper perspective. Their feelings against the father of the institution were directed against the institution itself. We may here quote a few extracts from their statements on this point. In their letter of January 27, 1802, they observe :—

“ We have perused with particular attention the Governor-General's reasons for founding the College without any previous reference to us upon the

<sup>1</sup> See p. 247 *ante*.

<sup>2</sup> Public Letter to Fort St. George, dated 12 March, 1802, para. 18. See also *Home Miscellaneous Series*, No. 487 (I. O. R.), p. 259.

<sup>3</sup> They wrote : “ We cannot consistently with our duty sanction by our approbation the immediate establishment of an institution (however we may approve of some parts of it) which must involve the Company in an expense of considerable and unknown amount and which might be employed to purposes more beneficial for the Company's interests.”

subject. We allow his motives to be laudable, but we cannot sanction a departure from our established system. The tendency of all such deviations is to weaken the authority which is constitutionally placed in this country, for when measures are once adopted which either pledge the faith of Government, or incur great expense, the exercise of control in such cases, is in effect frustrated."

On hearing of the decision of Wellesley to postpone the abolition of the College pending further correspondence on the subject with them, the Court wrote<sup>1</sup> rather sneeringly :—

"That the postponement appears with a worse grace, when it is recollected, that the establishment was formed without our sanction, and that, in our opinion, Marquis Wellesley would have best consulted his own dignity, and set an example to the Service, at least equal in importance to any lesson it could have derived from the College, by a regular obedience to that authority under which the law had placed the Government of India."

The Directors disagreed with Wellesley on many other points made by the latter, such as the completely changed character of the services, the nature of education suited for them and so on ; but these were minor differences by the side of the two noted above. On receiving the Court's Despatch of January 27, 1802, the Governor-General in Council took the following measures pending the sending of another letter to the Court requesting them to revise their decision in the light of new facts<sup>2</sup> :—

1. They ordered that all expenses on account of the College should forthwith cease and the Institution

<sup>1</sup> Draft letter to Bengal, dated 19 July, 1803, sent to the Board of Control for approval (para. 6) ; vide "*Home Miscellaneous*," No. 487 (I. O. R.).

<sup>2</sup> "*Bengal Public Consultations*," dated 24 June, 1802, Range 5, Vol. 35. (I. O. R.).

"abolished and further that the Regulations and Statutes governing the College should be repealed.

2. They directed at the same time that the above orders for the abolition of the College and the repeal of the Regulations and Statutes should take effect from after December 31, 1803. The reasons given for this postponement were :—
  - (a) The serious evils resulting alike to the numerous students assembled at Fort William as well as to the Professors and teachers and other staff employed, from the sudden abolition of the institution ;
  - (b) The fact that the current expenses of the College for the ensuing year had already been provided for ;
  - (c) The fact that the Court was not aware of important new facts connected with the improvement of the Company's finances in India and the beneficial effect that had already accrued from the institution.
3. Letters were written to the other two Presidency Governments instructing them to detain all the Writers for those establishments arriving from England until they should receive further instructions from the Governor-General in Council. On the 5th of August, 1802,<sup>1</sup> Wellesley addressed a long letter to the Court in which he not only replied to the objections of the Court to the institution, but marshalled all relevant facts and considerations for its continuance and also the considerations which determined him

<sup>1</sup> Letter from Wellesley to the Chairman of the Court of Directors, dated 5 August, 1802, in "Bengal Letters Received," Vol. 42. See also Home Miscellaneous Series, No. 487, pp. 263-375 (I. O. R.).

in postponing the carrying out of their orders of abolition till December 31, 1803.

In that letter he met squarely the principal objection of the Directors, *viz.* the financial one, by pointing out that he had already provided for the financing of the College by new sources of revenue (of which intimation had already been given to the Court in his Government's letter of July 30, 1801) so that it imposed no additional burdens on the Company's finances nor affected injuriously any other branch of the public service. He further drew the attention of the Court to the improved state of the Company's finances since the Directors had written that letter. He put the whole issue before the Directors, in a very clear and pointed manner in the following words : —

“ The question was narrowed to the limited consideration, whether it be more beneficial to the Company's affairs to continue the annual application of a sum of three lakhs and thirty thousand rupees (arising from a new fund, specially charged with this sum, and producing a considerable surplus) to the maintenance of the College or to add that sum to the general surplus in the treasury, or to the sinking fund. even if it should be contended that this sum might be conveniently applied to the increase of the investment, it would remain to be proved that the effect of three lakhs and thirty thousand rupees added to the commercial investment of Bengal (already raised to ninety lakhs) would be more beneficial to the interests of the Company, and of the nation in India, than the operation of the same sum of money applied to defray the current charges of the College at Fort William.”

Having disposed of the financial objection Wellesley dealt with the proposed restoration of Mr. Gilchrist's seminary on an enlarged scale and the Court's direction to Fort St. George by their letter of March 12, 1802 (already referred to) to 'establish there a separate institution. He pointed out that the difference in expenditure between their scheme and his would not be very great, whereas if similar establishments were to be established in Fort St. George and Bombay, the total expenditure would be definitely greater than that of a united institution at Calcutta. Not only could the objects of the Court in establishing those institutions be well and better fulfilled by the already existing institution and at a less cost, but he suggested that the assembling of young men at those seminaries without providing for proper discipline would be positively injurious to the civil servants. He deprecated the establishment of three separate institutions also on the score of the inferiority of the means of instruction in the other two Presidencies and the impairment of the spirit of emulation. Besides, one central institution was desirable in the interest of uniformity of standard and unity of the civil service in India. Further, he drew the attention of the Court to the benefits already derived from the Institution in the very short period of its existence and deprecated any lowering in the scale of the institution. The students, he pointed out,

“afford the most conspicuous hopes that local administrations of India for several years to come will be amply provided with instruments properly qualified to accomplish all the purposes of a wise, just and benevolent government.”

#### *Controversy between the Court and the Board of Control*

But all this pleading of Wellesley had no effect whatsoever on the hostile attitude of the Directors. The conflict,

however, changed its venue; instead of being carried on between Calcutta, and Leadenhall Street, it was now between the latter and Whitehall. There was a long-drawn-out controversy between the Court of Directors and the Board of Control on the subject,<sup>1</sup> which, however, diverted from the main issue and centred on the question of the respective constitutional competence of the two bodies. As we are not interested in the constitutional aspect of the controversy, highly interesting as it is, we shall give here a short summary of the episode to the extent that it has a bearing on our subject. Wellesley's despatch of August 5, 1802, had altogether different reactions on the two bodies and created a cleavage between them. Wellesley's arguments convinced the Board of Control of the necessity of the Institution and they suggested to the Court to send a despatch drafted by themselves in reply to Wellesley's, revising the Court's decision in the matter.<sup>2</sup> The Court proved obdurate and not only refused to comply with the Board's suggestion<sup>3</sup> but substituted a draft of their own vehemently criticising the Governor-General and sticking to their previous proposal with regard to the Institution. But the Board stood its ground and required the Court<sup>4</sup> to frame a despatch on the lines already suggested by them. At this point the controversy assumed the character of a constitutional issue. The Court questioned the jurisdiction of the Board in the matter as one relating to the appointment of servants and the creation of new establishments in respect of which, they argued, Parliament had vested the initiative in the Court, limiting the Board's

<sup>1</sup> For a full account of the controversy see the correspondence between the Court and the Board in *Home Miscellaneous*, No. 487, pp. 379-563 (I. O. R.).

<sup>2</sup> *Vide* Letter from the Board of Control to the Court, dated 22 June, 1803. *Idem*, pp. 379-86.

<sup>3</sup> Letter from the Court to Board of 1 July, 1803. *Idem*, pp. 391-428.

<sup>4</sup> Letter from the Board to Court of 5 July, 1803. *Idem*, pp. 431-37.

authority only to an absolute or partial negative.<sup>1</sup> The Court asked for legal opinion on the issue from such eminent jurists as Mansfield, S. Romilly and W. Adam, who supported their contention. The Board was equally obdurate and claimed the matter as being "within their undoubted authority, as well under the letter as the spirit of the Act of Parliament."<sup>2</sup> They rejected the draft sent with the Court's letter of July 19, 1803, and directed the sending of a despatch according to their instructions. There was also a suggestion of the Board going to Parliament for clarification of the law.<sup>3</sup> That broke the obstinacy of the Court who now found that further resistance was useless and made a compromise in which, however, they got the better of the bargain. They formally conceded the point over which the dispute arose, *viz.* the proposal to continue the College of Wellesley, but it was hedged with such modifications as practically to sap the foundations of Wellesley's scheme.<sup>4</sup> Perhaps unwilling to pursue the matter further the Board approved of the modified proposals. Although apparently it looked like a victory for the Board, actually it was the Court which had its way. The proposals as approved by the Board were sent to Bengal on September 2, 1803.<sup>5</sup> It is couched in a language of very reluctant acquiescence in Wellesley's request for the continuance of the College. The Government was directed to continue the institution until further orders, but the Writers of the other two Presidencies were forbidden to attend the College, as it was proposed to take into early

<sup>1</sup> Letter from the Court to the Board of 19 July, 1803. *Idem*, pp. 443-53.

<sup>2</sup> Letter from the Board to the Court of 27 July, 1803. *Idem*, pp. 533-55.

<sup>3</sup> This was clearly expressed in the Board's Letter to Court, dated 1 September, 1803.

<sup>4</sup> Letter from the Court to the Board, dated 19 August, 1803. *Home Miscellaneous*, No. 477, pp. 562-63. (I.O.R.).

<sup>5</sup> Public Letter to Bengal, dated, September, 1803. See *Home Miscellaneous Series*, No. 488, pp. 513-17. (I.O.R.).

consideration the question of establishing separate seminaries. In the mean time the Presidency Governments were directed to continue the previous establishments for affording the necessary means of instruction to the Writers of those Presidencies. With regard to the institution at Fort William, it was directed that no further expense should be incurred which was incidental to its maintenance as a central institution for the entire service. Wellesley's Government were required to submit an estimate in detail of the lowest scale of establishment in respect of number and salaries of professors, allowance of students, etc., calculated on the new basis. In doing this they were also to take into account the fact that their study was to be confined only to the native languages as distinct from the wide field originally proposed, and that the students would stop there for a much shorter period. The establishment of the College was drastically curtailed in 1805 and more so on the establishment of the Haileybury College in 1806. The expenditure of the College was directed to be limited to sicca rupees 1,50,000 under the Court's order of May 21, 1806.<sup>1</sup> The reduced establishment of the college was meant only for the instruction of the Bengal civil servants in the native languages, the rudiments of which they had already acquired at the Haileybury College. It was a shadow of the institution as conceived and established by Wellesley and existed on sufferance for many years. After the foundation of the College at Haileybury specially, its existence became more meaningless, and as we shall see presently the question of its abolition was mooted on more than one occasion. As Sir George Campbell has very rightly written of the

<sup>1</sup> *Vide Public Letter to Bengal*, dated 19 May, 1815. *Vide App. I. in P. P.* Vol. IX of 1831-32,



College at this period of its existence, from his personal experience<sup>1</sup> :—

“ We were kept there to learn the languages, at what was by a fiction called the College of Fort William, but there really was no College.”

In another work<sup>2</sup> also he writes :—

“ At the commencement of the career of the young civilian in India, the Government have a very ingenious plan for at once fully developing, and it may be expanding all his bad qualities. It is judged that he must read the languages to fit him for the public service. He therefore remains for a time ‘ in College,’ that is to say, he lives and amuses himself as he likes in Calcutta, Madras, or Bombay.”

The above statements give a realistic picture of what Wellesley’s Institution came to be like, after the application of the axe by the Directors.

### *The Conflict over the College between Wellesley and the Directors : its significance*

We have dealt at some length with the conflict between Wellesley and the Directors over the question of the College, because it appears to us to represent the conflict of two different principles at work underlying the administration of the Company. To Wellesley the expenditure on the College appeared to be more than compensated for by the invisible but substantial return in the shape of the improvement of the quality of the service, which, in his view was calculated to strengthen the foundation of the

<sup>1</sup> Sir George Campbell, *Memoirs of My Indian Career*. (1893) Vol. I, p. 13.

<sup>2</sup> See his *Modern India*, (1852) Ch. VI, p. 268.

Company's dominion in India. He was, in his own way, inspired with a new vision of the Empire which he wanted to place on permanent foundations, and in his view that could only be done by building up an able and efficient Civil Service by systematic education and discipline.<sup>1</sup> Without a continuous flow of successful administrators, not depending on accidental factors but on a sound system of education, he maintained, an empire could not be held.

He gave expression to similar sentiments in the course of a speech at the prize distribution ceremony of the College on March 30, 1803. He said :-

- “ From this source the service may now derive an abundant and regular supply of public officers, duly qualified to become the successful instruments of administering this Government in all its extensive and complicated branches ; of promoting its energy in war ; of cultivating and enlarging its resources in peace ; of maintaining in honour and respect its external relations with the native powers ; and of establishing (under
- a just and benignant system of internal administration) the prosperity of our finances and commerce, on the solid foundations of the affluence, happiness, and confidence of a contented and grateful people.”

All this makes the approach of Wellesley to the problem of education of civil servants abundantly clear. He was unmistakably an imperialist, but his imperialism was enlightened and free from crudeness. In direct contrast to his approach to the question, the Directors were balancing the return of a few lacks of rupees per annum spent on the College against the return of an equal amount on increased investment. As is natural to a commercial organisation, they could not look beyond the immediate

<sup>1</sup> See his sentiments on this point expressed in his Minute quoted in pp. 237-38 *ante*.

monetary returns to the far more important gain in terms of human values. They had not the imagination nor the disinterestedness to look beyond the prospect of immediate profit to more permanent gains, even measured by their calculus of profit-making motive. And it was no wonder that they should take the view that what the service immediately needed for their work could very well be met by a modest institution like Mr. Gilchrist's seminary rather than by the ambitious and expensive institution planned by Wellesley, with a resulting saving. It was the same commercial instinct in operation that dictated before, the policy of paying poor salaries to civil servants leaving them to compensate themselves through questionable means, discussed before.

#### *Later History of the College*

The Directors were ultimately persuaded to establish an institution for the training of civil servants in England, where they completed the European part of their education besides picking up rudiments of the oriental languages before coming out to India, the study of the oriental languages being left mainly to be done at the Presidencies. Before we pass on to discuss the constitution of the Haileybury College, and the system of education, etc., there, we may conveniently dispose of the narrative of the arrangement of studies for the civil servants at the three presidencies subsequent to the drastic cutting down of the establishment at Fort William. The later history of the Fort William College may be summed up in a few words. Although the name "college" stuck on to it by habit, it was no longer as we have already pointed out, really a collegiate institution. There was a skeleton establishment left to look after the training of the students in the country languages. But there was no longer that residential system with its

stress on discipline, about which Wellesley was so very particular in his plan. Most of the writers now lived with friends or relatives at the Presidency, *moonshies* being provided for coaching them in the languages. Only a few were accommodated in the Writers' Buildings which was also given up after a time (*i.e.* in 1833), the writers being given a house-rent of eighty rupees a month to hire their own lodgings. The public table was given up at the early stage of reduction. For some time some professors were kept to deliver lectures at the College, but in 1830 on the recommendation of the Civil Finance Committee the Governor-General in Council decided to abolish all Professorships and to confine the College establishment in future only to a Secretary and two examiners with a requisite number of *Pundits* and *Moonshies* under the Secretary.<sup>1</sup> It was finally decided by a Resolution passed on the 4th of May, 1830, (General Department) that with effect from June 1, 1830, the three Professorships of the College were to be abolished and lectures to the students discontinued. Some of the *Moonshies* and *Pundits* were discharged at the same time. The constitution of the College was drastically revised. The posts of Provost and Vice-Provost had already disappeared. Under the Statutes of June 3, 1814, its general outlines may be described as follows :—The Court of Directors were made the Patrons, the Governor-General the Visitor, and members of the Supreme Council, the Governors of the College. The immediate superintendence of the College was vested in a President and Council consisting of three or more members appointed by the Supreme Government. The President and members of the College Council were usually selected from among the judges of Sudder Courts at the Presidency, civil and criminal. These were of course honorary offices

<sup>1</sup> *Vide* Letter from Bengal, dated 23 February, 1830.

and acceptance was optional. The Council exercised such powers and duties as were vested in them under the statutes made by the Governor-General in Council. They might propose the enactment of any new statutes. The Council had a Secretary and an Assistant Secretary, who were also Examiners. There was no other alternative for the College but to cut down its establishment and activities ruthlessly, because under the Court's orders of May 21, 1806, the expenses of the College had been directed to be limited to sicca rupees 1,50,000 per annum.<sup>1</sup> Although the expenditure could not be brought down to the level as directed by the Directors, that the expenditure on the College consistently went down would be evident from the following figures regarding the scale of expenditure of the College at two different periods. For the year 1810-11, it appears that the monthly expenses of the College amounted to Rs. 16,751<sup>2</sup> or about Rs. 2,00,000 per annum in round sum, slightly exceeding the sum allowed under the Court's order. During the years, 1825-26 to 1827-28, we get the following figures of expenses for the College.<sup>3</sup> In 1825-26, the expense of the College

exclusive of salaries of students,	Rs.	A.	P.
amounted to .. .. .	1,36,467	13	5

In 1826-27, the expense of the College,

exclusive of salaries of students,			
amounted to .. .. .	1,26,500	9	1

In 1827-28, the expense of the College

exclusive of salaries of students,			
amounted to .. .. .	1,39,636	10	7

<sup>1</sup> *Vide* Extract of Public Letter to Bengal, dated 19 May, 1815. The expenses of the College presumably exclude the salaries of students when learning languages at the Presidency.

<sup>2</sup> For details, see the "Abstract Statement of the Establishment of the College of Fort William for 1810-11" in *Home Miscellaneous Series*, No. 488 (I. O. R.), p. 523.

<sup>3</sup> *Vide* Memorandum (B) to the Minute of the Governor-General, dated 27 December, 1828, in Appendix L. Parliamentary Paper, Vol. IX of 1831-32, p. 639.

The total gross expenses during the three years, including the rent of Writers' Buildings and the salary of the one hundred and fourteen students attending the College at the time amounted to Rs. 7,54,865-1-1. Thus the average expenditure per student worked out at Rs. 6,621 per annum, including everything and even salaries— not a high figure at all, even if the limited purposes of the institution were promoted.

### *Later Proposals of Abolition*

But even in this truncated form the institution had to pass through an ordeal from time to time, the question of its abolition being mooted several times till the end of its career. The first occasion arose when the Court received reports from various quarters of the prevalence of indiscipline, indolence, extravagance and dissipation among the students of the College. On February 14, 1812, they addressed a letter to Bengal<sup>1</sup> drawing the particular attention of the Government to these reports, and the vital importance of the subject, as affecting the future conduct of the Bengal servants in offices of highest trust and responsibility as well as the happiness and welfare of the people. While directing the Government to report early about the true state of the institution and the habits of its students they gave a hint at the same time that if those reports were true they would be under the painful necessity of ordering the abolition of the College and adopting measures to arrange for the instruction in Indian languages in England. The matter was referred to the College Council, who in their turn called upon the Examiners to report on the standard of the examinations and to explain

<sup>1</sup> Judicial Letter to Bengal, dated 14 February, 1812 (para. 140-42). *Vide Home Miscellaneous, Series No. 488 (I. O. R.)*, pp. 519-22. See also Appendix L of P. P. Vol. IX of 1831-32, p. 581.

the causes of the falling off in the standard, if any. On receipt of replies from the Examiners<sup>1</sup> the Council in their reply, discussed the original provisions for the disciplinary control of the students, including the public table which, in their view was a vital element in keeping up the standard of discipline and the spirit of emulation among them and took the view that on the whole it was desirable to maintain the College, taking into consideration the fact that it did render positive benefits to the recruits on their first arrival from England, which could not otherwise be derived and that the magnitude of the evils laid at its door were not so serious as to warrant its abolition. In its letter, dated December 29, 1813, to the Governor-General in Council, the College Council wrote<sup>2</sup> :—

“ From all the considerations on which we have dwelt above, we are satisfied that the generality of the junior servants of the Company cannot pass the first twelve months of their service in India more profitably for themselves or the public service, than at the college. It will be for the decision of the Court whether this benefit should be denied to the whole body, because the institution may be abused and perverted, as it must be expected all such institutions will be, by some few individuals..... It would be impracticable to unite in England the advantages which are enjoyed in this country by studying the languages where they are to a

<sup>1</sup> They held different views as regards the reason of the decline in standard. One of them Mr. Lumsden, for example, attributed it and we think, very rightly, to the attitude adopted by the Court to the College, which was only tolerated rather than cherished. Another (Mr. Roebuck) attributed it to the prevalent idea that the College was to be abolished soon.

<sup>2</sup> Paras. 15 & 24 of the Letter in Bengal Public Consultations of 1 April, 1814 (No. 38), Range 8, Vol. 30 (I. O. R.). Also see Appendix L of P. P. Vol. IX of 1831-32, p. 585.

great degree vernacular, and where there is an unlimited command of the ablest native assistance."

If it should be decided to maintain the College, they were "persuaded that the Court by communicating the assurance of their decided support to the institution will take one of the most effectual measures that can be adopted for maintaining its future energy."<sup>1</sup>

The Government substantially agreed with the sentiments expressed by the College Council in the above letter, so far as its benefits to the junior servants were concerned, though they admitted the existence of idleness and inattention to the rules and discipline of the institution. They were, however, satisfied that the existing rules and statutes for the punishment of indolence and other offences were quite adequate, provided they were rigidly enforced. Apparently this satisfied the Directors and the matter rested there for the time. But a good deal of discussion and correspondence went on, on the subject of habits of extravagance, indebtedness and indolence among students at the Fort William College and various devices were recommended by the members of the College Council in particular and also others interested in the matter, which ranged from such an extreme step as the abolition of the College to making attendance optional, expulsion in case of unfavourable report on their progress after two months from entrance, institution of examinations at short intervals, etc.<sup>2</sup> In the mean time the establishment of the College

<sup>1</sup> The proceedings of the College Council and their reply to the Government are recorded in the above-mentioned volumes of *Bengal Public Consultations*, 1814 (Nos. 38-54).

<sup>2</sup> See in this connection particularly extracts from Minutes of J. H. Harington, dated 31 October, 1818, of Holt MacKenzie, dated 11 February, 1822, of W. B. Bayley, dated 6 Feb. 1822, and Courtney Smith, the President, in Appendix L, P. P. Vol. IX of 1831-32, pp. 589-606. All of them admitted the existence of the usual complaints against the students, viz. extravagance, indebtedness, dissipation, indolence, etc., though their remedies were different.



underwent further pruning in 1815. The Court in a Public Letter of May 14, 1815, directed the closing down of the military department of the College on the twin grounds of the extra expenditure involved and the alleged extravagant habits of the military students in the College. Lord Hastings, the then Governor-General did not favour the proposal. He called upon the College Council to report upon the extra expenditure involved and also to report on the alleged charge of extravagance against the students. The Council strongly urged the desirability of continuing this department and found ways and means of running it without much expenditure. The Governor-General, on receipt of this report, expressed his satisfaction that the objection of the Court was based on misapprehension and hoped that it would be found possible to maintain the department within the limits of the expenditure sanctioned by the Court. But the Court was obdurate and in their Public Letter of June 28, 1820, reiterated their previous order against further admission of military students in the College, which accordingly ceased.

The question of continuance or otherwise of the institution was again raised in the twenties of the century as a sequel to the note of the Accountant General, Bengal, one Mr. Wood, in connection with the payment of the debt of a Salt Agent at Jessore. It may be noted that most of the civil servants at the time of leaving the College at the Presidency and taking up appointment in the Province found themselves with a heavy debt and sometimes they had to seek the help of the Government in relieving them. However, in course of that note the Accountant General raised the general issue as to the utility of the institution, and whether it could not be abolished more profitably for the service. He took the view that the general indebtedness of the junior servants was only the result of their stay at the Presidency, with

all its temptations and facilities for extravagance. So instead of dealing with such cases individually he thought that the cause should be removed by the abolition of the College and providing for the training in languages in England, and that the servants should, on arrival in this country, be sent straightway to the interior. That officer looked at the problem, of course, purely from the financial angle, which had also the greatest appeal to the Directors. A resolution was passed by the Government deploring the pecuniary embarrassment of civil servants, and expressing a determination to deal with it as best they could. The Accountant-General's letter was referred to the College Council. The members recorded long Minutes on the subject. Generally speaking, while they did not deny the existence of extravagance and indebtedness among the students, they refused to attribute it to the constitution of the College. They also thought that the proposed abolition of the College and the sending of the junior servants straightway to the interior would not improve the situation, unless pecuniary assistance was given to them at the start. Mr. Harington, the President of the Council, also doubted whether the linguistic advantages of the College could be obtained in England. Mr. H. McKenzie, another member, suggested keeping the servants longer at Haileybury and a shorter period at the Fort William College, and also the restoration of the public table and residential arrangement as before. On receipt of the views of the members of the Council, the Government reached a decision on the following lines which was communicated in a letter, dated April 21, 1825. While recognising the inducements to contract debt to which the junior civil servants were exposed while attached to the College, the Governor-General did not think it indispensable to abolish the College. He directed his attention to some expedients which, he thought, might be usefully tried for securing the continuance

of the benefits of the institution, while avoiding its mischiefs. For instance, the College Council were in future to apply strictly the rules prescribed in Chapter VI of the Statutes providing for the removal of students after two months of unsatisfactory progress, as in his opinion prodigality and idleness went hand in hand. On June 16, 1825, the College Council submitted to the Government representations based on the report of the Secretary and Professors of the College regarding the measures calculated to check the extravagant habits of students and to maintain a more efficient system of discipline, such as the granting of a loan not exceeding a fixed sum to any student arriving in the country unprovided, to be deducted from his salary by instalments, the prohibition of such expensive habits as hunting, racing, etc. They also proposed eight months as the maximum period of residence in the College except in special cases such as that of a student being ill, and to give them even the option of proceeding immediately to Mofussil on arrival. The Secretary of the Council wrote <sup>1</sup> :—

“ In conclusion, the College Council direct me to observe, that although diligence may be encouraged and idlers removed by the operation of the proposed rules, yet it is their firm opinion that the distinct perception by the students that extravagance and pecuniary embarrassments are considered as a serious and practical bar to promotion, and decidedly discouraged by Government and by the members of it personally, will prove more efficacious towards the accomplishment of the objects now in view than any rules whatever.

<sup>1</sup> Extract from Letter of the College Council to Bengal Government quoted in Letter to Court from Bengal, dated 30 June, 1825. *Vide* App. L, in P. P., Vol. IX of 1831-32, pp. 608-13.

"The prosperity and fair fame of the civil servants, and the happiness of many millions subject to the rule of the British Government, are closely connected with the independence from pecuniary embarrassment, of those who are to administer the civil government; and the College Council are of opinion that the measures suggested in this letter will, if judiciously and steadily enforced, go far to discourage extravagance, and consequently to promote the public interests."

On June 23, the Government agreed to the proposal of the College Council with the exceptions of the limitation of the period of attachment to the College and the option to be given of going at once to the Mofussil, neither of which was, in the opinion of Government, desirable. But the Court again raised the question of abolition more or less on the same grounds as before. They observed <sup>1</sup> :---

"Upon the whole we find ourselves compelled to convey to you our opinion that the disadvantages above enumerated more than counter-balance the benefits of the Calcutta College; and that it is expedient to take measures for the discontinuance of that institution. We are unwilling however to issue peremptory orders for this purpose, without having the fullest information which you may have been able to collect, on a question to which we attach so much consequence."

They did not desire the Government to be hasty in carrying out their directions, which might be postponed for the moment pending a reference to themselves of any new facts or arguments against the step advocated.

<sup>1</sup> Public Letter to Bengal of 19 December, 1827 (para. 23).

The Governor-General did not agree with the view of the Directors on the question and suspended the execution of the order pending the presentation of the case for the continuance of the institution.<sup>1</sup> He based his case on solid proofs of success evinced in the decided superiority of the products of the College over their fellows who had not passed through the institution. He admitted and regretted some amount of indiscipline and insubordination among the students :

“ That the system requires improvement,” he remarked, “ that it fails in producing those benefits to the people to the extent which the anxious desire of all the authorities both here and in England, has ever had in view, no one can deny.”

But he put his finger on the right spot when he attributed these defects to the patronage system of appointment which made an efficient system of training for the recruits, all the more necessary, by way of overcoming its defects. He said :—

“ As there is no escape from ignorance and incapacity, where all places and appointments are a monopoly in the hands of a privileged few, it does become a most serious duty on the part of the state to render as complete as possible, the capacity for government of those to whom for so many years the destinies of the great empire must be committed.”

As the only other alternative to the system pursuing, *viz.* education of the servants in Mofussil stations was attended with very great disadvantages, he preferred the existing system of education at Calcutta. At the same time

<sup>1</sup> *Vide* Minute of the Governor-General (Lord W. Bentinck), dated 27 December, 1828, in Appendix L, in P. P., Vol. IX of 1832, p. 639.

as a remedy for the evils complained of he recommended that power should be taken to suspend from service and send back to England those writers who failed to qualify in the languages within a specified period,<sup>1</sup> and the Secretary to the College Council should be vested with necessary control and superintendence of the conduct of the students. The members of the College Council were equally strongly opposed to the abolition.<sup>2</sup> They also did not claim that the College was free from all defects and did not admit of improvement, but they were satisfied that since the date of their last report in August, 1828, the tone of the institution had definitely improved. They declared:—

“ We do not hesitate to declare our conviction that the College of Fort William is now in as high a state of efficiency as it can ever reasonably be expected to attain, whether reference is had to the diligence and application of the general body of the students, or to their correct moral demeanour, and freedom from habits of extravagance, and consequent pecuniary involvement.”

They advocated, however, the introduction of some practical measures for the further improvement of the suggestion. On June 2, 1829, the Government decided that all writers were to be placed under the superintendence of a single officer, *viz.* the Secretary, with a view to more efficient control of the conduct of the students. But as we have already observed, the very next year, on the recommendation of the Civil Finance Committee, the Government decided to abolish the Professorships and reduce the establishment of the College. The Court, however, was still not satisfied. In their letter to the

<sup>1</sup> This period was eventually fixed at twelve months, with three months' grace in exceptional cases.

<sup>2</sup> *Vide* extract from Letter from the College Council to the Bengal Government, dated 20 February, 1829, in P. P., Vol. IX of 1831-32, App. L, p. 623.

Governor-General in Council (Public Dept.), dated July 20, 1830, they disagreed with the opinion of the Governor-General and the majority of the Council as described above, and directed them to take steps for the abolition of the College, placing the young servants under the supervision of the more experienced ones, and making necessary arrangements for their examination in languages at the Presidency. But in his Minute of February 4, 1831,<sup>1</sup> Lord Bentinck regretted the decision of the Court to abolish the College, without waiting for the results of the new measures for the improvement of its discipline, lately sanctioned by them. So he recommended the suspension of the execution of the Court's orders for some time. In the meantime draft rules<sup>2</sup> dealing with the junior civil servants on arrival in this country after the abolition of the College of Fort William were drawn up, which purported to make arrangements analogous to those in the other two Presidencies. On March 29, a letter was also addressed by the Government to the College Council informing them that in pursuance of orders from the Honourable Court, the College would be abolished on the 1st of June, 1831. But the Government had still not given up hopes of saving the Institution, because on the 30th of April, 1831, the Governor-General addressed a letter to the Secretary to the Government requesting postponement of the execution of that order pending a further reference to the Directors, and the College Council was also informed on May 24, that the institution would continue until further orders. The Court seems to have been persuaded by the Governor-General to rescind their order of abolition. Since that time the College with its skeleton establishment continued its existence till January 24, 1854, when for reasons which cannot be traced among

<sup>1</sup> P. P., Vol. IX of 1831-32, App. L, p. 660.

<sup>2</sup> *Ibid.*, p. 670.

the records of the College, it was ordered to be abolished. The Institution died hard, after a great tussle between the Court on the one hand and its authorities and the Government on the other. We have outlined above the arguments on both sides of the controversy.

*Whether there was Justification for Continuing the Fort William College in its Reduced Form after the Establishment of the Haileybury College*

It appears to us that, after the sabotaging, if we may use the term, of the original scheme of the Fort William College as formulated by Wellesley, there was really no case for the continuance of the institution, even apart from the prevailing indiscipline, dissipation, indolence, extravagance, etc. which were made the excuse by the Court for its abolition. The College Council and the Government were right in thinking that these were not necessarily incidental to the institution. They arose from the fact that in its reduced shape, the institution ceased to be a collegiate establishment altogether and was shorn of all the healthy influences of its corporate life which alone could keep a large body of young men congregated together in a foreign land and at the headquarters with all the allurements to vice surrounding them. When the Directors actually established an institution very much on the lines chalked out by Wellesley, the case for another institution on a reduced scale in India, even for the avowed purpose of teaching the junior servants the country languages, did not really exist. That purpose, *viz.* giving them a training in languages, did not by itself justify the existence of a collegiate establishment at Calcutta. Naturally, the institution began to wither away and dragged on an existence practically meaningless. It is simply mental inertia and the natural reluctance to abolish an existing



institution, even when it has lost its *raison d'être*, that made its advocates fight for its continuance. The training in languages could be very well arranged for by providing for a little more intensive work (because the servants were given a training in the rudiments already) at Haileybury, and placing them under the supervision of district officers during a period of probation and making their appointment dependent upon passing a test in those languages. As regards the questions whether the education of the civil servants could best be given in a special institution for the purpose, or whether it should be completed in England or in India, we leave these for later consideration

## CHAPTER VII

### THE COMPANY'S CIVIL SERVICE—CONTRIBUTION OF THE HAILEYBURY COLLEGE

#### *Arrangements for the Education of the Junior Civil Servants at Fort St. George and Bombay*

We have already seen that when the Court after much controversy sanctioned the continuance of the Fort William College at Calcutta, they directed that writers from the other two Presidencies were not to be educated in that institution, but separate arrangements were to be made for them. It took some time to work them out in detail; in the meantime junior servants were left to shift for themselves as best they could in picking up the languages. In Madras steps were taken in that direction earlier than in Bombay. In the Public Letter from Madras of October 24, 1808, the Madras Government reported the first Regulations which they had issued for the instruction of the civil servants in the languages of the province. These provided that the junior civil servants should on their arrival at Madras commence the study of one at least of the native languages; that a native teacher was to be engaged at public expense; that quarterly examinations were to be held, which should also extend to subjects of general knowledge connected with the affairs of the Company; that such students as so desired should be accommodated with lodgings at public expense during their period of study. In the Public Letter from Madras of January 28, 1809, it was pointed out that the residence of the junior servants at Madras for the purpose of study was fixed generally at twelve months, but in special cases

where friends or relatives were prepared to be responsible for their conduct and progress in studies, they were allowed to leave the Presidency even before.

In the early part of January of 1812, the Madras Government communicated their intention of placing the junior civil servants under the care of a Board of Superintendence who were to be entrusted with the direction of their studies in oriental languages.<sup>1</sup> It was in the middle of 1812 that the establishment of a College for the instruction of the Company's servants in the native languages was announced.<sup>2</sup> The establishment was rather on a modest scale. The expense of the College for 1813, which may be taken as a typical year, was about Rs. 96,000.

*Rules for the College of Fort St. George, 13th July, 1827*

Detailed rules for the management of the College were passed by the Governor-General in Council on the 13th of July, 1827.<sup>3</sup> The main features of these rules regarding the constitution and organisation of the College may be briefly given here. The superintendence of the College was vested in a Board at the Presidency consisting of members nominated by the Governor in Council including a Member of the Council as the Chairman, assisted by one or more secretaries, with the necessary establishment. Two public examinations were to be held each year, being conducted by the Board, if necessary, with the assistance of the several translators to the Government. The Board was to report the results of the examinations to the Government, stating the comparative proficiency of the students in the different branches of study. There were

<sup>1</sup> Public Letter from Madras, dated 10 January, 1812. Paras. 89-91. *Vide* "Madras Letters Received," Vol. 39 (I. O. R.).

<sup>2</sup> Public Letter from Madras, dated 19 June, 1812, Para. 6. *Ibid.*

<sup>3</sup> P. P., Vol. IX of 1831-32, Appendix L.

also to be private examinations between the public ones. The Board was required to submit to the Government at the beginning of every year a report of their proceedings to be forwarded to the Court. As soon as a junior servant arrived, the Secretaries were to forward to him a copy of the above rules and require him to appear for an entrance examination before admission. Every such servant, on his admission was to select for study one of the following languages :—

Tamil, Teloogoo, Malayalam, Carnataca and Marhatta.

The students might also at the discretion of the Board be permitted to pursue their studies in one of the four classic languages :—

Sanskrit, Hindoostanee, Persian and Arabic.

On a junior servant's choosing a language for study, the Board was to appoint a teacher to instruct him, there being no Professors or lecturers on the establishment of the College. Apart from languages, they were expected to make themselves acquainted with the Regulations of Government connected with the management of revenues and the administration of justice, books being furnished to them for this purpose at public expense.

It was made optional with a junior civil servant to pursue his studies either at the Presidency or under the supervision of a senior servant in the interior. The salary of the junior civil servants during their period of study was to undergo progressive increase, only on the recommendation of the Board to be made on the basis of the quality and progress of their work. They were also allowed a monthly allowance for house-rent. All junior civil servants, reported by the Board as qualified to transact public business without any aid from an interpreter in one language, was to be deemed eligible for subordinate situations in the service, and those reported qualified in two languages were to be eligible for any situation in the service. But

no civil servant was to remain attached to the College for a period longer than two years.

*Arrangement in the Bombay Presidency*

So far as the Presidency of Bombay was concerned, the instruction of the junior servants was long neglected after they had been forbidden to attend the College at Calcutta for the purpose. For about sixteen years the study of the languages was left to the option of the junior servants, and naturally very few cared to devote their attention to them. It was as late as 1819 <sup>1</sup> that the Court directed the Bombay Government to communicate to them a plan for the instruction of the Company's servants on an economical scale. They wrote :—

“ We shall take care to supply the civil service with a due proportion of writers in the ensuing season, and, as we are desirous of affording them the means of improvement in the native languages on their arrival at Bombay, you are hereby directed to submit to us a plan for that purpose, modelled on as economical a scale as may be consistent with the end in view. In the meantime we authorize you to provide Moonshies for their instruction and to defray the expense upon this proceeding.”

Mountstuart Elphinstone, on assuming charge of Government, ordered a circular to be issued to all junior civil servants of less than three years' standing as follows :—

“ That the Honourable Governor in Council has it in contemplation to establish a College for the instruction in the native languages of the junior

<sup>1</sup> Revenue Letter to Bombay, dated 14 July, 1819 (Para. 57). *Vide Bombay Despatches*, Vol. 43 (I. O. R.).

civil servants appointed to this Presidency, and that a knowledge of the Hindoostanee language will be made an indispensable qualification for official employment in all cases; and that every servant who has not been three years in the country at the time when the College is instituted, and cannot pass an examination in that language, will be removed from his appointment and sent to the College, until such time as he shall have acquired the requisite qualification." (Government circular of June 14, 1820.)

It is clear from this circular that he had in contemplation the establishment of a College for the purpose, and this intention was formally communicated to the Court in a Public Letter, dated August 29, 1821. In that letter the news of a College having already been established at Poona for the time being for the education of the natives was communicated to them, and it was pointed out that any definitive proceedings for the education of the Company's servants had been postponed, awaiting the decision of the Court in the matter. Some provisional measures that had already been adopted for the examination of those servants in their knowledge of the native languages would, it was suggested, be continued in the meantime. The Court in their reply<sup>1</sup> negatived the proposal for the establishment of a College for the education of the Company's servants on financial grounds, but they directed nevertheless that the young gentlemen should study the oriental languages privately and pass an examination in two of them; first in *Hindoostanee* "as an indispensable qualification for official employment," and secondly, in either *Marhattee* or *Guzzerattee*, to become entitled to 'promotion to the second step in any line.'

<sup>1</sup> Court's Letter to Bombay (Public Department), dated 11 June, 1823 (Paras. 2-11). *Bombay Despatches*, Vol. 48 (I. O. R.).

The Bombay Government in reply<sup>1</sup> stated that as they were precluded from establishing a College at Bombay they wanted the Court to allow them to take some measures for the instruction in languages of the junior servants, and particularly the appointment of a permanent Committee of Examiners. The Court in their reply, dated September 21, 1825, having agreed to the proposal of the Government, a set of rules for the instruction of the junior servants was published on the 1st of September, 1826, relating to examinations, the appointment of a Committee of Examiners, the standard of attainment in the languages required of the junior servants for promotion as per advice of the Directors mentioned above. It is made clear that no higher appointments in the Revenue and Judicial lines were to be secured without passing the language examinations. The constitution of the Committee of Examiners for examining the civil servants in the country languages was announced in an order of the Government of June 6, 1826.<sup>2</sup> The Committee was constituted of three members, of whom the Persian Secretary to the Government was to be an *ex-officio* member, a second to be nominated by the Government at each examination and the third, a permanent junior member, to act as Secretary to the Committee, and available for all such duties as the Government might think expedient in connection with the promotion of oriental literature and education among the natives. Thus for the first time under these rules some arrangement was officially made in Bombay for the instruction and ensuring a certain standard of knowledge in the country languages among the junior civil servants of the Company. These rules were further elaborated in July,

<sup>1</sup> Letter from Bombay Government to Court (Public Department), dated 11 August, 1824 (Paras. 4-7), *Letters Received from Bombay*, Vol. 44 (I. O. R.). There is reference in this letter to a Minute by Elphinstone on the subject and the measures prescribed to that end in Gen. Couns. (Bombay) of 10th March, 1824.

<sup>2</sup> *Vide* Letter from the Secretary to the Government of Bombay (Education) 6 June, 1826 (paras. 2, 4 and 5) in P. P., Vol. IX of 1831-32, App. L, p. 634.

1828.<sup>1</sup> The main features of the arrangement under these Rules for the instruction of junior servants may be described here.

The writers, on arrival at the Presidency and in the event of their not having friends to live with, were provided with houses and servants by the Chief Secretary to the Government, the expense being recovered from their salaries. The Secretary to the Civil Examination Committee supplied them with copies of orders of Government regarding the plan of their studies, provided them with *Moonshies*, and they were allowed to remain at the Presidency only on condition of presenting themselves for examination within four months of their arrival. In the absence of such an undertaking, and in the event of failure to pass the examination within the time, they were sent into such parts of the province as the Government might direct. The writers remaining at the Presidency were placed under the guidance and control of the Chief Secretary to the Government, and those sent to the interior, under a similar control of the collector. The officers under whose guidance they were placed were enjoined to regard the strict superintendence over the young gentlemen as one of their important duties. They were even instructed to make quarterly reports to the Government on their general conduct and attention to their studies. In the absence of a collegiate institution, it was specifically pointed out, they were to take the place of such a one, so far as the studies and discipline of the writers were concerned. They were expected to pass the first examination in *Hindoostanee* within twelve months, and the second examination either in *Guzzerattee* or *Marhattee* within at least two years and a half. Their failure to pass within the prescribed periods was to be

<sup>1</sup> *Vide* Bombay Regulations (General Department), dated 11 July, 1828, regarding the junior members of the civil service. P. P., Vol. IX of 1831-32, Appendix L, pp. 638-39.



accounted for. Success at the first examination entitled the civil servant to public employment in subordinate positions. On passing the second he was appointed to a superior post in the Revenue line of the service where he was required to put in two years' service before he was eligible for employment in other departments. Like their compeers in Madras, the junior servants in Bombay also were expected to make themselves acquainted with the Regulations of Government connected with the management of Revenues and the administration of justice. As at Madras and later at Calcutta, at Bombay also, there were no Professors. The students were provided with *Moonshies* to teach them the languages of the Province. After 1830, that is, after the carrying out of further measures of retrenchment in the establishment of the Fort William College by Bentinck on the recommendations of the Civil Finance Committee, already mentioned, it may be said in a general way that the arrangements for the instruction of the junior civil servants in the country languages were more or less assimilated. Although the establishments in Calcutta and Madras passed by the dignified title of "Colleges," they were not really so. In Calcutta, it is true, the students had a greater degree of common life and spent a longer period at the Presidency, with all that it meant for both good and evil, than at the other two Presidencies, but in none of them was there that systematic education and discipline and healthy corporate life that are characteristic of a Collegiate institution. It appears, however, that in spite of its neglected condition, and in spite of all the carping criticism that it has come in for, students of the Fort William College of Calcutta were on the whole more serious in their work than their compeers in the other two Presidencies. This is borne out by the following facts.<sup>1</sup>

<sup>1</sup> Memorandum (A) to the Minute of the Governor-General (W. Bentinck), dated 27 December, 1828. P. P., Vol. IX of 1831-32. Appendix L, p. 643.

Two hundred and fifteen students were admitted into the College of Fort William during the period between 1820 and 1828, forty-two into the Madras establishment and ninety-six into that of Bombay within the same period. There is no reason to believe that the standard of examination in any two of the oriental languages taught at the two presidencies was more difficult than that at Calcutta, and yet in the Fort William College eighty-six of the two hundred and fifteen, or more than one-third, were reported qualified for the public service by a competent knowledge of two of the prescribed languages in less than a twelve month during that period. At Madras the corresponding figure was only five out of forty-two, or less than one-eighth and at Bombay, where the examination is believed to have been easier than at Madras, the progress towards the second degree of qualification, that is, in the knowledge of Marhattee or Guzzerattee was much slower, only thirteen out of ninety-six having passed in eight years.

### *The College at Haileybury—Its Origin*

Having discussed the arrangement for the instruction of the Company's civil servants in India, we may review the position of its counterpart in England. Although the Court quarrelled over Wellesley's scheme rather obstinately, it is clear that even in the course of the controversy they felt the need of some such institution. Even in their letter of January 27, 1802, while vetoing the scheme of Wellesley, they expressed their approval of the idea underlying the plan. In a draft despatch to Bengal of July 19, 1803 <sup>1</sup> submitted to the Board of Control for their approval, they expressed their opinion that the Company's

<sup>1</sup> Draft No. 177, dated 19 July, 1803, in reply to the Governor-General's letter of 5 August, 1802. *Vide Home Miscellaneous* No. 487 (I. O. R.), pp. 455-528.

servants should receive a liberal European education supplemented by oriental learning, and informed that they had in view an Institution at home for providing instruction in European subjects with greater facility than in India. The task of working out a plan seems to have been referred by the Court of Directors to the Committee of Correspondence, who in their report submitted in October, 1804, stated their views on the proposed institution as follows <sup>1</sup> :—

“ As the Company’s civil servants are to be employed in all the different branches of the administration of extended dominions, it will be readily admitted that, as far as may consist with an early entrance upon the duties of active life (also very necessary in their case), they should receive an education, comprehending not only the usual course of classical learning, but the elements of such other parts of knowledge as may be more peculiarly applicable to the stations they have to fill. Independent of the improvements which they may receive from establishments in India in studies properly Oriental (improvements which cannot commence till some years of youth are already past), there is a most important period of life to be filled up before they leave their native country. In that period their principles of every kind are to be formed and their minds cultivated : It is the only period their destination will allow for the acquisition of European literature and science ; and, in a word, on the use which is made of it must depend, in a very material degree, their future character and services. It is not then to be doubted that they should not be left to such chance of acquisition as the routine of public or country schools may, under all the varieties of the situation, tutorage, example, and other

<sup>1</sup> *Vide* evidence of J. H. Batten, Principal of the East India College, given before the Select Committee of the House of Commons on 12 July, 1832, P. P., Vol. IX of 1831-32.

circumstances incident to persons collected from every part of the United Kingdom, afford them. There ought to be one course and standard of appropriate education for them ; and to this end, one place of instruction. There they should be trained with care, and required to give proofs of real proficiency ; in order to which they should be subjected to the test of strict and impartial examination, a test hardly to be looked for in all the different modes and degrees of their present education..... ”<sup>1</sup>

Soon after, the Court declared their intention of founding a College in a Despatch to Bengal, dated May 21, 1806. They wrote :—

“ We have resolved on the establishment of an institution in this country upon an enlarged scale, where the writers destined for our service in India will receive instruction in all the most useful branches of European learning ; and we also expect they will be enabled to acquire a competent knowledge in Oriental literature.”

The foundation of the College building was laid on May 12, 1806. The College started with a Principal and six Professors in the following subjects :—(a) Mathematics and Natural Philosophy, (b) Classical and general literature, (c) History and Political Economy, (d) General Policy and Laws of England, (e) Arabic, Persian and Hindoostanee literature, (f) Hindoo Literature and History of Asia. There were some Assistant Professors also, and the Bishop of London became the Visitor.

The institution was given statutory status and stability in 1813 by the Charter Act of the year (53 Geo. III,

<sup>1</sup> The plan of education eventually adopted, as will be seen, was based upon the principles formulated in this Report, combining the provisions for an enlarged European education with rudiments of Oriental languages.

C. 155),<sup>1</sup> under Section 46 of which the appointment to writerships in India was made conditional on keeping four terms at the Haileybury College according to its Rules and Regulations and producing a certificate from the Principal to that effect. Subsequently, however, the requirement of this Act had to be relaxed in the circumstances to be discussed later on.

*Constitution of the College under Statutes and Regulations*

The first Statutes and Regulations of the College were framed in 1814 and enforced in 1816, although they were modified later in some directions. Thus for instance, the Rules and Regulations with regard to the entrance examination were changed in 1834 and in 1837.

We may briefly describe here the constitution and organisation of the College as defined under the Statutes and Regulations of 1816.

The Statutes of the College were distinguished from Regulations. Under the former came all laws and rules respecting the constitution and government of the College of a more general and permanent nature to be made by the Court of Directors subject to the approbation of the Board of Control. Regulations comprised all orders and rules more detailed in character, relating to the internal

<sup>1</sup> Sections 44 to 48 of the Act related to the Haileybury College. Sec. 46 runs thus : — "It shall not be lawful for the said Court of Directors to nominate, appoint, or send to the Presidencies of Fort William, Fort St. George or Bombay, any person in the capacity of a writer, unless such person shall have been duly entered at such College, and have resided there four terms, according to the Rules and Regulations thereof; and shall also produce to the said Court of Directors, a certificate under the hand of the Principal of the said College, testifying that he had for the space of four terms been a member of and duly conformed to the Rules and Regulations of the said College." Of course the College got statutory recognition in 1807 by an Act of Parliament of that year (47 Geo. III, Cap. 68), section 7 of which provided that the time spent by writers at the East India College not exceeding two years, after the age of seventeen shall be accounted as so much time spent in service in India for purposes of entitling them to certain offices and employments with certain salaries under the Act of 1793 (Sec. 57). But it is by the Act of 1813 that education and residence in the College was made a condition of appointment to office.

government of the College. These were made by the Committee of the College or College Council subject to alteration by the Court of Directors. The Committee of the College or the Court of Directors was the superintending authority to see to the proper execution of the Statutes and Regulations, together with the current business and affairs of the College, on which they might from time to time issue orders, but the immediate superintendence and execution rested with the College Council composed of the Principal, the Dean and Professors. The Visitor who was the Bishop of London, *ex-officio*, was the final appellate authority for any member of the College in all cases, relating to the rights, powers, privileges or duties either of the whole body collectively or of any of its members individually, as also for any student expelled by the College Council. The Principal was vested with a general superintendence over every branch of the establishment and the maintenance of the discipline of the institution. Other executive officers of the College were the Registrar, the Dean and the Librarian. There was the provision for a public examination of all students at the end of each term. There was also a preliminary entrance examination in Classics and Arithmetic on passing which the candidates were furnished with a copy of the Statutes and Regulations of the College and formally admitted as students by subscribing, in the College Chapel, to a declaration in the following form :—

“ I, A.B. do solemnly promise that I will submit to the Statutes and Regulations of the College and that I will pay respect and obedience to all that have authority in it.”

On completing the course in the College and having the requisite certificate from the Principal, the students were not, however, automatically entitled to appointment as writers, unless the Court of Directors, in their

discretion, should deem fit. The students were to pay one hundred guineas per annum towards their board and lodging and education, but the fees covered only a small part of the expenses of the institution, the rest being contributed by the Company. The staff at the start included many distinguished scholars such as T. R. Malthus for General History, Political Economy and Commerce, Jonathan Scott for Oriental studies, and E. Lewton for Philology. The admission to the Haileybury College was not quite free and open, but dependent on the nomination of the Directors<sup>1</sup> which was invariably

<sup>1</sup> In the distribution of patronage the Chairman and Deputy Chairman always had a larger share than ordinary Directors. Of course, the proportion varied from time to time. Thus in 1778, out of 47 writers nominated, the Chair and the Deputy each had 8; and ordinary directors one each. Later on the Board of Control also came in for a share, usually disposed of by its Chairman. Thus by an order of 14 February, 1806, it was laid down: "That of the nominations of writers of this year the Chairs send out two each for Madras and Bombay; that each other Director send out one writer for Madras or Bombay; and that the Board (of Control) send out two writers for Madras or Bombay." (*Vide Memorials of Old Haileybury College*, by F. C. Danvers, Sir M. Monier-Williams and others.)

We may also quote figures for a later period from a statement showing the number of appointments to India, made on the nomination of the Court of Directors and the Board of Control, on the average of five years, ending with 1830-31 :-

Description	Average number per annum	Chair and Deputy Chair	Board of Control	Ordinary Directors
Writers for India	39.2	2.8	2.8	1.4

(*Vide* Statement No. 4 in App. B, to Parl. Paper, No. IX of 1831-32.)

We give below some figures for the next period. In *Parliamentary Paper*, Vol. *LXIX* of 1852-53 (pp. 60-62) is given a return of the annual allotment of the patronage, civil and military, of the Court of Directors since 30 April, 1834, showing the number assigned to each Director and President of the Board of Control and the number actually appointed by the same in each year since that time. We quote figures only for a few typical years :—

Allotment year	Assignee			Civil Nomination	Number appointed
1834-35	Chairman	..	..	2	23
	Dy. Chairman	..	..	2	
	22 Directors	..	..	22	
	President of the Board of Control	..	..	2	

given to young men connected with their friends and relatives. In the last Chapter we have also seen how it led to a regular and systematic traffic in patronage of the most vicious character. This placed a serious limitation on the choice of an Indian career by the ordinary English youth and not infrequently affected the quality of the recruits. However, the evils of the system were to some extent counteracted by the requirement of having to pass the preliminary entrance examination at the India House referred to above, which was conducted by an outside body of examiners appointed by the Board of Control. The examination was not of course of a very high standard and was mainly intended to test the level of general education of the candidates. The candidate had also to submit testimonials. The examiners might reject the candidates, if they chose, or defer their nomination to some future date. Sometimes the candidates were rejected on their first examination, but this mere postponed their nomination

Alloiment year	Assignee	Civil Nomination	Numbe appointe
1840-41	Chairman . . . . .	4	47
	Dy. Chairman . . . . .	4	
	22 Directors (2 each) . . . . .	44	
	President of the Board of Control . . . . .	4	
		56	
1846-47	Chairman . . . . .	2	27
	Dy. Chairman . . . . .	2	
	22 Directors . . . . .	22	
	President of the Board of Control . . . . .	2	
		28	
1852-53	Chairman . . . . .	4	45
	Dy. Chairman . . . . .	4	
	22 Directors (2 each) . . . . .	44	
	President of the Board of Control . . . . .	4	
		56	



for another six months after which they could take the examination again. Three successive rejections constituted disqualification for nomination, which was rather rare. From the evidence of Principal Melvill before the Select Committee of Parliament<sup>1</sup>, it appears that about one-third of the candidates were generally rejected at each examination; but he did not attach much importance to the bearing of success or failure at this examination on the future career of a candidate. It is doubtful, however, if the preliminary examination could neutralise the evils of patronage in the hands of the Directors. Thus Mr. J. C. Marshman, a missionary with long experience of India, in his evidence before the Select Committee of the House of Lords, referred to above, pointed out that although it was said to be a rather stiff examination, yet a nomination by one of the Directors was generally found to stand good, and that although a candidate might be rejected once or twice, he was in almost every case sure of appointment ultimately; and those who were utterly unable to pass went out into the cavalry.

Of course, mere admission into Haileybury did not amount to appointment. The candidates had to pass through a regular course of study and had to pass certain examinations before they were appointed as writers. After much controversy a two years' course extending over four terms was adopted, with a terminal examination at the end of each term prescribed by the Statutes of the College.<sup>2</sup> If a student failed in an examination, he lost the term, and a loss of two such successive terms or three terms in all debarred him from continuing in the College.

<sup>1</sup> *Vide* Report of the Select Committee of the House of Lords to enquire into the operation of the Act 3 and 4 Will. IV, C. 55, etc. (Minutes of Evidence). P. P., Vol. LXIX of 1852-53.

<sup>2</sup> The arrangement here described was under the Regulations of 1837. *Vide* Evidence of Melvill. *Ibid.*

As regards the standard of the final examination it has been said that for a mere pass the standard was exceedingly moderate, and the aid of a well-kept notebook for three nights before the History or the Law Examination generally enabled even the most backward student to get through. But even after keeping the terms and passing the examinations a student might be refused appointment under the Statutes, as we have already seen, if the Directors thought fit.

The syllabus was framed so as to impart to the students instruction mainly in subjects and languages, a knowledge of which would be useful in the performance of their duties in India. Instruction in the different subjects was spread over the four terms, usually in the following order. In the first term the subjects of study comprised Law, Classics, Mathematics and Sanskrit. In the second term, to these were added either Political Economy or History (taken in alternate terms) and another language—Persian, if the student was destined for the Presidency of Bombay or Bengal and Telegoo, if for Madras. In the third term, to these subjects was added Hindoostanee. In the fourth term there was no change in the subjects but a more intensive study was made preparatory to the final examination. Students were admitted quite early in their life, the age of admission generally varying from seventeen to twenty-one. This was because the Directors were anxious to see their men well placed in life as early in their career as possible.

*London Board of Examiners—Acts of 1826 and 1829*

Since the establishment of the Haileybury College till its abolition in 1858, the East India College at Haileybury was the only source of supply of civil servants for the Company. For a few years, however, in the interval a

body called the London Board of Examiners was instituted, which became an alternative source of supply. But this was only an emergency measure. In the twenties of the last century a great shortage of men in the covenanted, i.e. superior service of the Company was complained of by the authorities in India, owing to expansion in the territories of the Company as well as in its administrative machinery, which, by the way, gave an impetus to an increased employment of Indians, particularly in the judicial line, and also an enlargement of powers of Indian officers. But as under the Act of 1793 superior offices were reserved only for covenanted servants of the Company in the civil line, this source of supply could not meet the requirements. The supply from the Haileybury College was rather inelastic, because nominations had to be made more than two years ahead to provide for the requirements of a particular year. In 1825 it appeared that there was not a sufficient number of men qualified under the provisions of the Act of 1813 to fill the vacancies in the civil establishments of the Presidencies. As a result of correspondence between the Court and the Board it was decided to approach Parliament for powers to meet the emergency. Accordingly an Act was passed in 1826 (7 Geo. IV, Cap. 56) granting powers to the Court of Directors for a term of three years, a dispensation from the provisions of the Act of 1813 (Sec. 46 of Act, 53 Geo. III, C. 155) which required the attendance of four terms at the College from every person previously to his proceeding to India as a writer. It was made lawful for the Court of Directors to nominate and appoint, and to send to the Presidencies as a writer any person who could produce such testimonials of his character and conduct and pass such an examination for qualifying as writers as should be required under the Rules and Regulations to be framed by the Court of Directors with the consent of the Board of Control. In the very same year Regulations were framed in terms

of the Act under which a Board, called the London Board of Examiners, was appointed and other proceedings adopted for the examination of such writers as did not pass through the College. Under the Regulations persons of ages between eighteen and twenty-two, who could produce testimonials of good conduct were eligible for the examination. The plan for the examination consisted of two tests—the Classical and Mathematical Test, and the Oriental Test. Some minimum standards were set forth in respect of knowledge in the European classics, Arithmetic, Algebra, etc. The standard of the examination was very poor indeed, and we have it, on the testimony of Rev. J. H. Batten,<sup>1</sup> that the minimum required hardly exceeded the standard of the entrance examination to Haileybury and approximated to little more than ordinary school education. In fact several of the persons who passed the London Board examination were withdrawn or sent down from Haileybury—those whose continuance there would have been injurious to the discipline of the institution. Mr. Batten remarked, perhaps flippantly, that in this way it proved a boon to that institution. In another way the arrangement, in his opinion, proved injurious to Haileybury—(1) in so far as it substituted an examination without residence at the College for the Collegiate course and (2) it shortened the Collegiate course in certain cases. It brought about an invidious contrast in qualifications between those who passed through the Institution and those who passed through the Board—a contrast working to the disadvantage of those detained at the College and naturally breeding discontent and a sense of grievance specially among the senior students of the College. The latter suffered by comparison in respect of greater sacrifice both of time and money. The effect of the arrangement on the Service was also calculated to

<sup>1</sup> *Vide* his evidence before the Select Committee of Parliament (Minutes of Evidence, P. P., Vol. IX of 1831-32).

be detrimental, first by omitting from the plan of examination some useful subjects like Law and Political Economy, and secondly, because of the low standard of knowledge that sufficed for a pass. The candidates were classed in the order in which they might reach higher degrees of attainment, the classification determining the relative rank on appointment. The tendency of a non-collegiate examination conducted by a body of examiners, however eminent and experienced, to bring down the qualifications to the minimum will be evident from the results of the examination held by the London Board. Principal Batten pointed out in course of his evidence referred to above that since March, 1829 up to 1832, of 34 persons passing through the London Board, not one had been placed in the first class, only eight in the second, the rest in the third. A detailed classification of writers passed by the London Board from 1827 to 1832 is noted below,<sup>1</sup> which also bears out the Principal's evidence. This lowness of the minimum with the Board had the effect of keeping down the standard of tests in the College also during the period. The Principal

<sup>1</sup> Examination of	Total number passed	Number in the first class	Number in the second class	Number in the third class
Lady day, 1827	8	1	2	5
Michaelmas, 1827	6	2	2	2
Lady day, 1828	9	<i>nil</i>	4	5
Michaelmas, 1828	14	1	6	7
Lady day, 1829	13	1	5	7
Michaelmas, 1829	5	<i>nil</i>	1	4
Lady day, 1830	6	<i>nil</i>	2	4
Michaelmas, 1830	7	<i>nil</i>	2	5
Lady day, 1831	4	<i>nil</i>	<i>nil</i>	4
Michaelmas, 1831	7	<i>nil</i>	3	4
Lady day, 1832	5	<i>nil</i>	<i>nil</i>	5
Total	84	5	27	52

Secretary's Office, East India House, 16th October, 1832.

The above table is referred to by Mr. P. Auber in reply to a question (No. 16) put to him at the Select Committee of the House of Commons in 1832 (*vide* App. L, in Parl. Paper, Vol. IX of 1831-32, p. 580).

also drew attention to the further defect in the system, *viz.* the substitution of mere testimonials for a probationary course of conduct as at the College which was calculated to afford a test of character not only to the authorities of the College and the general public but to the students themselves, one with another, with opportunities of forming friendships and connections, so valuable in their future career in India. The Act had another injurious effect both on the Service and the College in so far as it made possible a quicker transition through the College. The operation of the Act was originally for three years. But in 1829, power was taken by a fresh Act of Parliament (10 Geo. IV, Cap. 16) to continue its operation until April 10, 1834. But after a time, when the deficiency in the supply of superior civil servants ceased to exist, the Court no longer availed themselves of the powers under this Act, and Haileybury once again became the only source of supply of civil servants to the Company.

. *Proposal of Limited Competition—Act of 1833*

About this time a bill for the renewal of the Company's charter and providing for the better government of India was on the anvil, and along with other matters relating to India the question of education of civil servants for India became a subject of discussion between the Court of Directors and the Government through its representative, the Board of Control.<sup>1</sup> From the side of the Government, Mr. Charles Grant, the Chairman of the Board of Control, proposed to qualify the unrestricted patronage of Directors—as it had never been popular—by a limited competition among their nomi-

<sup>1</sup> These discussions will be found in full in Parl. Paper, Vol. XXV of 1833. They have also been published as a separate volume entitled — "Papers regarding Negotiation with His Majesty's Ministers on the subject of the East India Company's Charter " (1833).

nees. Haileybury was to remain, but the Directors' nominees were to pass through a process of limited competition. Originally he suggested<sup>1</sup> that the students were to be admitted only as competitors for appointment—more than the number of vacancies in India being nominated—final appointment being made on the results of a public examination held on the completion of their course of studies at Haileybury. The vacancies at the College were to be filled by the Directors nominating in rotation. The requirements of the service in India were to be estimated by the Governor-General in Council each year and to be reported to England one year ahead, the Board having the power to reduce the number but not to increase it. Later on Mr. Grant modified his proposal, and quite rightly, so as to apply the competitive process at the initial stage rather than at the final stage.<sup>2</sup> He now suggested that the Directors should nominate four times as many candidates for admission as there might be vacancies in service, and one-fourth of this number was to be selected for admission by an examination. The final examination was not to be selective, but was only to determine the relative situations of those going out successful. The reaction of the Court to this proposal, as was only to be expected, was unfavourable, as materially affecting their power of patronage which they valued so much. In their reply, dated the 2nd of July, 1833, they pointed out that they could not consider the scheme as satisfactory and calculated effectively to provide the means of giving good servants to the Indian Empire. They proposed instead the abolition of the Haileybury College altogether and revived the idea of a public examination of candidates nominated by

<sup>1</sup> Memorandum submitted by Charles Grant with a letter to Mr. J. G. Ravenshaw, dated 17 December, 1832. (P. P., Vol. XXV of 1833.)

<sup>2</sup> Letter from C. Grant to the Chairman of the Company, dated 27 June, 1833.

themselves after an education at the existing institutions in the country. This might have been suggested to them by the recent experience of the London Board of Examiners, because it would maintain their patronage intact. They based their contention, however, on the ostensible grounds of expense of the Institution which, they held, was no longer necessary, regard being had to the fact that facilities for those branches of education, which necessitated the establishment of a special institution like Haileybury, were at this time available at many educational centres in England. There was the further objection on the score of the disadvantages arising from confining numerous youths designed for the same service at one institution.<sup>1</sup> They presented their case to both Houses of Parliament in similar petitions. In their petition to the House of Commons, dated July 26, 1833, the Company observed :—

“ It is because your Petitioners are deliberately convinced that efficiency will be more likely to be obtained in a general system of education, brought to the standard of a high test of examination, than in any exclusive system, that the Court confidently ask your Honourable House to abolish the College, a measure which is further strongly recommended by considerations of expense,<sup>2</sup> as the maintenance

<sup>1</sup> See *Paper of Observations and Suggestions of the Court on Several Clauses of the East India Bill* (10th July, 1833).

<sup>2</sup> We may quote here the following Account of the net expense or charge incurred for the maintenance of the College at Haileybury, in 1833 and 1834, after deducting the sums paid by students, and stating the number of students educated at the College in each half year :

		1832-33	1833-34
		£	£
Total expenditure under different heads	..	15,699 5 11	13,974 19 10
Total receipts from students' fees, etc.	..	4,128 5 9	4,150 7 0
Net expenditure	.. ..	11,571 0 2	9,824 12 10



of that institution has in the last term caused a charge upon India at the rate of upwards of ten thousand pounds per annum, when there were less than 30 students," and also "that in the course of the last 10 years the College has one time been unequal to supply the requisite number of writers, and at another, as at present, is much more than adequate to the supply."

One of their number, Mr. Richard Jenkins, however, recorded a strong dissent from the majority view given above, based on sound arguments. He differed from his colleagues on the following points:—

1. An education appropriate to the needs of Indian service obtaining at Haileybury, combining as it does both literary education and moral probation, is not to be secured elsewhere so well or so cheaply.
2. No satisfactory plan of examination could be devised which by itself could ensure the qualities, moral and intellectual, which were expected in those destined for Indian service. With a view to ensuring good principles and habits in candidates,

Number of students educated at the College in each half-year.

		1832-33	1833-34
2nd Term of 1832	.. ..	34	—
1st Term of 1833	.. ..	28	—
2nd Term of 1833	.. ..		32
1st Term of 1834	.. ..		35

EAST INDIA HOUSE,  
18 March, 1835.

Sd. T. S. CADELL,  
*Accountant General.*

(*Vide* Parl. Paper, Vol. XXXIX of 1835, p. 25.)

From Mr. P. Auber's evidence before the Select Committee of Parliament on 15 February, 1832, it appears that the total expenditure of the establishment at Haileybury, inclusive of building account, from 1805-06 to 1830-31 came to £363,439-17s.-4d. The number of persons appointed as writers during the same period was 940, thus giving the cost of education per head on an average at £386-12-0, (inclusive of building account) and £284-2s.-6½d. (exclusive of building account).

testimonials were a poor substitute for a probationary course at the College. He referred to the sad experience of the expedient of the London Board Examination in support of his contention.

3. He regarded the objection on the score of expensiveness as fanciful, having regard to the valuable object in view. He referred to Mr. P. Auber's evidence before the Select Committee of Parliament in 1832, quoted above, to show how moderate the net cost of the College was. To him the expense did not appear at all disproportionate to the results achieved. He further contended that like all other professional and technical education, a portion of expenditure on Haileybury was justly creditable to public funds. He summed up his argument in the following words :—

Upon the whole, then, when it is considered that the original expense of the buildings requisite for such an institution has been already incurred ; that we have collected under it an assemblage of able officers and Professors, such as perhaps cannot be found elsewhere ; that it has sent out to India a succession of young men qualified in a superior degree for the arduous duties for which they are destined ; that no other institution exists to supply its place, and that the prospect of a demand for Writers is so confined as to render it very unlikely that it can generate the foundation or supply the expense of such an institution without the aid of public funds ; when above all, the paramount obligation of sending out functionaries whom we know to possess the proper degree of religious and moral, as well as literary and scientific acquirements, and the difficulty of obtaining the requisite proof of such acquirements by means of tests and examinations without a proba-

tionary course of education under the eye of authority in such an institution as Haileybury, are added to this account I sincerely hope that the determination of His Majesty's ministers to give it a further trial will be persevered in."

Ultimately the Board had its way and incorporated the principle of limited competition in the Charter Act of 1833. Sections 103 to 108 of the Act governed the mode of making an estimate of the prospective number of vacancies by the Governor-General in Council, nomination of persons as candidates for admission to Haileybury, examination of such candidates, making provisions for the governance of the College and ancillary matters. The Governor-General in Council was authorised to make estimates of prospective vacancies for each year, subject to the right of the Board of Control to reduce such number. The estimate as approved by the Board being submitted to the Court, the Directors were to nominate youths within the age limits of seventeen and twenty, four times the number of vacancies announced, as candidates for admission to the College. The requisite number was to be admitted as a result of a selective examination in such branches of knowledge and by such examiners as were determined by the Board, and the Board again was to frame Rules and Regulations for the guidance of the Governor-General in Council for the good government of the College, for the examination and qualification of candidates for admission into the College, and the appointment and remuneration of examiners, etc. Those students who would appear on the results of the final examination to be duly qualified were to be nominated to supply vacancies in the civil establishments and have seniority therein according to their priority in the list of successful students, choice of presidencies by the students being also determined by such priority. It will be seen that under the provisions

of the above Act, the rôle of the Directors in relation to appointment of writers was reduced to a very insignificant one, being confined only to a fourfold nomination of candidates for admission to the College, all other powers being vested either in the Board or the Governor-General in Council. The Court was naturally unwilling to accept such a position. They managed to secure very soon the postponement of the operation of the system of limited competition and in July, 1837, got Parliament to pass fresh legislation (Act 1 Vict., Cap. 70) enabling the suspension of the provisions of the previous Act concerning the fourfold system of nomination of candidates for Haileybury and providing, in case of such suspension, for the examination of candidates for the said College by examiners appointed by the Board. So the proposal for introducing the salutary principle of limited competition fell through, and so far as the competitive principle was concerned, the matter rested there for another twenty years.

The Court again raised the question of abolition of the College in 1835. On February 12, 1835, they adopted a resolution proposing the abolition, and there was some correspondence with the Board on the proposal<sup>1</sup> which ultimately resulted only in the legislation of 1837 referred to above, regarding the suspension of the fourfold system of nomination of candidates. The first Rules and Regulations to be observed with respect to the examination of candidates for admission to Haileybury College under the provisions of the Act were framed by the India Board and the Examiners<sup>2</sup> appointed on the 16th of August, 1837. These regulations with minor modifications obtained for the

<sup>1</sup> *Vide* copies of correspondence between the Board of Control and the Court, upon the subject of the Act of 1837, relating to appointments at Haileybury. (Parliamentary Paper, Vol. LXIX of 1852-53.)

<sup>2</sup> The first Examiners were—Rev. J. A. Giles, late Fellow of Corpus Christi College, Oxford, the Rev. J. Isaacson, Fellow of St. John's College, Cambridge, and Thomas Hewitt Key, of Trinity.

next two decades in respect of admission to 'Haileybury till the competitive principle was adopted by the Charter Act of 1853.

*Critical Comments on the Institution and its System  
of Education*

From what we have stated above about the constitution and the general organisation of, and the scheme of studies pursued in, the Haileybury College, it would appear that the College was designed more or less on the same principles and the same ideas that inspired Wellesley in formulating his original scheme of the Fort William College. We find, for instance, the emphasis on a Collegiate institution of the residential type, on the need of a special institution for the training of civil servants, on the combination of discipline with study, on the inculcation of religion, on the combination of Oriental studies with subjects of Western education and so on. The main reason perhaps why an institution in England was preferred by the Directors to one in India is traceable to a difference of opinion on the question of the proper age at which it was thought desirable that the Company's servants should go out to India. On this question there was fundamental difference of opinion between two schools of thought. Some were in favour of drafting the servants to India at an early age. Their argument was that at an early age, when their habits and character were not yet formed, they could more easily adapt themselves to the new environment of a foreign land where they were practically to spend their life and could grow accustomed to the ways of life of the people among whom they were to work. It was not so easy for people who came out rather late in their life, with ideas and opinions already formed, to adapt themselves to the new environment. Wellesley apparently belonged to this school, and so he advocated

the sending out of civil servants to India at the early age of fifteen or sixteen, and their completing the education, the foundation of which had been laid in England, at this special institution at Calcutta designed by him. But against this there was the other school of thought which deprecated sending away writers at a tender age to a foreign country. In their opinion it was injurious to them physically, intellectually and morally—physically, because the tropical climate of India would tell upon their physique not yet fully developed; intellectually, because they could not get the same facilities for completing their European education in India as in England; and morally, because they would be cut off from the healthy influence of home life and English society in the formative period of their life and exposed to the corrupt influences in a foreign land, particularly with such large powers to wield. Besides, it was argued, they could not be expected to develop a love of their country so as to make them good citizens, if they left at a very early age. It is this view which prevailed with the Directors in providing for their special education in England at an Institution under their immediate control and supervision. Much can be said on either side of the question, which, however, does not concern us here. What is relevant to our purpose in this connection is to note that the acceptance of the one view or the other necessarily led up to the case for having the Institution for education of civil servants located at the one or the other end, granting of course the necessity of a special institution for the time being. On any showing, however, the continuance of an institution at each end could not be justified. That is practically borne out by experience. The institutions in India were maintained as a matter of form only, in a neglected condition, which instead of being productive of any good to the junior civil servants were productive of many evils, as we have already seen.

In conclusion, we may make a few observations on the broad question of the training of civil servants for India and the efficacy of the Haileybury College in furthering that object. The original object of founding the institution, in common with that of Wellesley's College, was, as we have seen above, to supply the Company's servants with an equipment for the special needs of the Indian service, which could not be obtained elsewhere at the time. Evidence on the point as to how far it was successful in its mission is of a conflicting nature. At the Parliamentary enquiries held before the renewal of the Company's Charter in 1833 and 1853, numerous witnesses, many of them alumni of the institution, holding or retired from important positions in the service, were interrogated about Haileybury, and we have conflicting views from these evidences. Some extolled the institution as having eminently served its purpose and dwelt on its commendable features, *e.g.*, as supplying the special training needed very well and cheaply, as having bred an *esprit de corps* which was so very valuable for the members of the service in their after-life in India and combining with it the spirit of emulation noticeable in the Universities of Oxford and Cambridge, while avoiding the expensiveness and long detention characteristic of those institutions and so on. We may quote here a short passage from the evidence of Mr. P. Auber of the India House, as representative of this school. In reply to a question <sup>1</sup> he observed :—

“ That establishment was not formed without a full persuasion that it would give to the Indian Service a set of young men well qualified in every point of view to perform the important duties which devolve upon them.”

<sup>1</sup> Answer to Question No. 1530 (15th February, 1832), Minutes of Evidence of Parliamentary Select Committee. P. P., Vol. IX of 1831-32.

When in 1824 a motion was made in the Court of Proprietors for the abolition of the College, Mr. Robert Grant observed :—

“ I find, generally speaking, that the most important posts seem to have been filled in India by those who have been the most distinguished for proficiency at Haileybury.”

On the other hand, many of the witnesses, particularly at the enquiry of 1853, ran down the institution as being narrow and exclusive, as imparting an education, not liberal in character but too professional, as breeding idleness and dissolute habits from the absence of association with the general body of youth in the country studying for other walks of life, and as producing a rather low average of ability and so on. For instance, such an eminent person as James Mill, Examiner of India Correspondence at the India House, in his evidence before the same Select Committee <sup>1</sup> observed :—

“ There is very little done in the way of study, except by a small number of the best disposed of the pupils, who would study anywhere ; and the tendency, which is inseparable from assemblages of young men to run into dissolute courses, operates there to a deplorable extent.”

Even those who spoke well of the Institution and its education admitted that there was much room for its improvement. The suggested improvements usually fall under such heads as, (1) removal of the undue emphasis laid on the study of oriental languages with the consequent diversion of attention from the European part of the education, (2) the need for greater attention to legal studies, (3) rise in the age limits for going to India, and a more

<sup>1</sup> *Vide* his answer to Q. 378-81 (21st February, 1832), P. P., Vol. IX of 1831-32.



prolonged study at the College, (4) the need of stricter examinations, etc. It is needless for our purpose to enter into a detailed examination of the validity or otherwise of the points made on both sides. There is truth perhaps on either side, and it is rather a facile way of pronouncing a favourable or adverse judgment by selecting and concentrating on the good or the weak features of the Institution respectively to the exclusion of the other. Nor would it carry us very far if we propose to judge the Institution by the quality of its products. The Institution counts among its alumni many distinguished names such as Holt McKenzie, F. J. Halliday, Edmonstone, Metcalfe, Mountstuart Elphinstone and others who would be an acquisition perhaps to the finest administrative service in any country. But that does not necessarily prove the superiority of the Institution. Even before Haileybury the service produced a Hastings, a Shore and a Grant. While on the other side one might put one's fingers on the mediocrity of the average product of the Institution. That also does not necessarily prove anything against the Institution as such. This is not the proper way of assessing the worth of any institution. We should enquire rather how far it responded, and had the potentiality of responding to the objects of its institution, *i.e.*, to turn out good civil servants, better than any alternative system of preparation, and how far the mode of selection of its students was consistent with its efficient working. This raises, in the first place, the question, how far a special system of education at a special institution like Haileybury was preferable to a system of public examination by an independent body of examiners, after a general education pursued in the ordinary educational institutions of the country, taking into account the special requirements of Indian service. In the second place, it raises the question how far an institution of the type of Haileybury, granting to it all the perfection that

can belong to a human institution, could overcome the handicap imposed upon it by the mode of selection of the recruits. The problem left by these considerations is one of the comparative merits of the system of nomination and competition as modes of recruitment to public service.

*The Case For and Against a Special Institution*

So far as the first question is concerned, the case for and against the need of a special institution has already been well stated respectively by the dissentient Director, Mr. Richard Jenkins, in his dissent to the majority view and by the Court in their petition to Parliament on the eve of the passing of the Act of 1833 which have been set forth above. Although, as we have said, the Court was not so much swayed by a genuine conviction of the superfluity of the institution as by their anxiety to save their cherished right of patronage which was assailed by the Ministry's proposal of introducing limited competition into the bill for the purpose of appointment of writers, yet on the whole they stated their case for the abolition of the College well. As the arguments on both sides have been given above fairly in detail we need not repeat them here. The main issue between the two points of view turned, in our opinion, on the existence of facilities for education in England in subjects of special importance for the requirements of Indian service such as Oriental languages and History, Indian Law, etc., in the ordinary educational institutions. When the institution was started, as has been stated by Rev. J. H. Batten, its first Principal, these subjects were not taught anywhere else, but as the Directors in 1833 affirmed that having "reference to the general diffusion throughout the country of the means of liberal education, including the oriental languages, as regards both European and oriental instruction and to

the disadvantages which result from confining the associations of youth destined for foreign service to companions all having the like destination," it was unnecessary and inexpedient any longer to maintain the special institution. Against this view it was argued by Mr. Jenkins that although facilities for education in subjects of special importance to Indian service were available in the country, they were not available at one place, and he further drew attention to the difficulty of framing any satisfactory plan of examination to ensure the necessary qualifications, both intellectual and moral and also to the tendency of such examinations to slide down to the minimum standard, as was the experience with the London Board of Examiners. These objections do not seem to us to present insuperable difficulties. As regards providing facilities for instruction in all subjects of interest to prospective civil servants for India, we do not think it either necessary or practicable. Even Haileybury could not provide facilities for instruction in all subjects, a knowledge of which would have been necessary to them in the course of service. What was essential for them really was some knowledge of one or two oriental languages, as also of oriental civilisation, Indian History and Law and one or two other such subjects. What ought to be tested in those destined for the Indian service or for the matter of that public service of any country is not so much an acquaintance with technical details which they can easily pick up later in course of their duties, but whether they have that intellectual make-up which will enable them to grasp the details, and above all a good level of ability and intelligence. For this purpose there was hardly any strong case for a special institution. On the other hand there is substantial truth in the point raised by the Directors, and emphasised by numerous witnesses before the Parliamentary Select Committees, against the exclusiveness of the institu-

tion, the undesirability of assembling together the youths destined for the same service in one place and thus cutting them off practically from the main stream of student life in the country. Of course, this very feature has been extolled by many witnesses <sup>1</sup> as the basis of friendships and connections formed at Haileybury which proved an invaluable asset to them in their after-life in India, not only as a means of counteracting their feeling of loneliness, but as a moral influence saving them from temptations in their service. But we agree fully with all that has been said on this point by Mr. F. J. Halliday, a very distinguished civil servant of the Company and himself a product of Haileybury, in his evidence before the same Committee. He says <sup>2</sup> :—

“I attach a certain degree of importance to it, no doubt, but not so much as some persons do ; particularly as I think that the object itself is almost as completely attained by the persons in question being combined together in one service after they arrive in India. There may be at times somewhat of disadvantage in it, as the *esprit de corps* may occasionally act in both ways.”

Whether on a balance the disadvantages of this feature outweigh the advantages is, of course, a debatable point, but perhaps too much emphasis was laid upon it by the advocates of a special institution. As regards the tendency of the examination to scale down the standard of recruits, it could be easily met by putting up the minimum standard

<sup>1</sup> *Vide* answers of J. F. Leith to Questions 3364-3377 (21 April, 1853) before Parliamentary Select Committee of 1852-53 in P. P., Vol. XXVII of 1852-53.

<sup>2</sup> *Vide* his answer to Question 4184 (9 May, 1853). *Ibid.* Somewhat the same sentiment has been expressed by Sir George Toveyan. He writes : “ Haileybury formed a tie which the vicissitudes of official life could never break. . . . This strong *esprit de corps* had its drawbacks. The interests of the country were too often postponed to the interests of the service.” See his *The Competition Wallah*, (1907) Letter I, pp. 6-7.

fairly high, and it was a deplorable mistake committed by the authors of the London Board scheme that they omitted to do so. Greater care might also be taken in the selection and the proper valuing of subjects for examination and the choice of examiners. Taking everything into consideration, we maintain that although at the time when it was established there was a good case for an institution of this type, and admitting that Haileybury produced some very brilliant men, later on when the subjects of special interest were introduced in the Schools and Universities of England, there was no good case for continuing the Institution. On this point also we may be permitted to quote from the evidence of Mr. Halliday as follows <sup>1</sup> :—

“ The system pursued at Haileybury had undoubtedly given a number of very competent persons, . . . but it has also allowed a proportion to creep into the service who were certainly unfit, and who under an improved system, ought, I think, to have been excluded. So far I doubt whether Haileybury has perfectly fulfilled its object, which I take to be not only the instruction of persons intended for the administration of offices in the Government in East Indies, but also to be, in some sort, a safe and legitimate check on any indiscriminate exercise of patronage that might otherwise be expected to occur. I have an impression myself that you might secure the objects for which Haileybury is constituted quite as well by having an independent board of examiners, and allowing the candidates and persons nominated to employment in the East Indies to qualify themselves where they please

<sup>1</sup> His answer to Questions 4178-80 (9 May, 1853), P. P., Vol. XXVIII of 1852-53.

and then to present themselves for examination to receive their appointment' after they have passed an examination up to a sufficient standard."

In other words special education for work in India can better be secured by means of a special examination than by a special place of education supported by Government.

### *Competition versus Nomination*

This brings us to the second question raised above. Mr. Halliday was right in maintaining in the statement quoted above that Haileybury failed in its object of being, in some sort, a safe check on an indiscriminate exercise of patronage ; but, for that, the authorities of the Institution were not to blame. Even conceding to it the highest perfection conceivable in every respect, *v.g.*, its staff, its management, its curriculum, etc., it could not achieve the object in view so long as the source of supply of its students did not rest on sound principles ; because no institution, however well equipped it may be, can benefit and improve the quality of its students unless the level of its recruits is satisfactory, and this cannot be assured so long as ~~patronage~~ or nomination remains the principle of recruitment. This brings us to the much discussed question of nomination compared with competition as modes of recruitment to the public service. The superiority of the competitive system to nomination in this respect does not require much labouring at the present time, because it has already stood the test of time and has been adopted practically by every civilised state as the usual mode of appointment in respect of public offices. But at the time when the talk of competition in place of nomination was first mooted, there was a serious controversy which did not stop even after the formal acceptance of competition

by law in 1853. We may briefly summarise here the case for the competitive principle as against that of nomination or patronage. The case for competition was strongly advocated by many witnesses even at the Parliamentary enquiry of 1832-33 and by many more in 1853. We shall quote only two of them from the previous enquiry. Capt. T. Macan in his evidence <sup>1</sup> said :—

“ If superior qualifications were made the test for appointment to India, that is, if competition instead of patronage was the mode by which vacancies to all departments in the Indian service were filled up, you would undoubtedly have men of higher attainments in every branch of the service ; in fact, command a great portion of the talent of England for the Indian Government.”

Another distinguished servant of the Company, Mr. Holt McKenzie very ably put the case for the introduction of the competitive principle in the Indian service in the following words <sup>2</sup> :—

“ The plan of nomination goes only to secure qualifications a little better than the ordinary average of gentlemen of the same rank ; and as every office held by a civilian, at least every office that ought to be filled by gentlemen deputed to India, is one of importance, I conceive that any plan which gives India only such an average of talent, must be considered to be defective. It has certainly produced men of much talent, and the highest class of offices may be probably well filled, there being few ; but looking to the great mass of offices, which are also very highly

<sup>1</sup> Answer to Question 1372 (22 March, 1832), Minutes of Evidence, P. P., Vol. IX of 1831-32.

<sup>2</sup> Answer to Question 652-56 (2 March, 1832). *Idem* (Italics ours).

important to the well-being of the people, since every judge and every collector exercises an important influence on their comfort, *I think the system has not been such as to send out to India a body of men fit to exercise, as it is desirable they should be exercised, the functions that belong to the civil service.*"

Further, he argued against the theory that the patronage exercised by the Directors was a private affair, a sort of remuneration of the Directors for the service they rendered, in the management of which they were subject to no public responsibility—which was an anomaly in view of the quasi-public character that the Company at the time assumed. The appointments were usually influenced by private feelings of affection and connection. He thought that by competition a much higher average qualification might be obtained. This view was strongly supported by another distinguished member of the civil service who was also a product of Haileybury. Sir George Campbell, writing about his own appointment to the service in the early forties of the last century, says <sup>1</sup> :—

"Except in rare cases, there was of course no pretence that the Directors went about looking for the best young men. They nominated their sons and nephews and friends. Though I was not related to any Director, I was not selected for any merit whatever; my Director had never seen or heard of me till, as a matter of mutual friendship and favour, he gave me a nomination."

It is clear from the above statements of distinguished members of the Company's service itself about the working of the nomination system that it offered no guarantee for

<sup>1</sup> Sir George Campbell, *Memoirs of My Indian Career*, Vol. I, (1893) Ch. I, p. 7.



the selection of men of the proper type for administrative offices. Human nature being what it is, the Directors were not to be blamed for this, but rather the system. Of course when the proposal of replacing the patronage of Directors by the competitive principle was seriously raised at the renewal of the Charter in 1853, the Company raised all sorts of objections to the proposed reform and fought for the maintenance of the *status quo ante*, as has always been the case with vested interests in the face of a proposal for upsetting the old order.<sup>1</sup> The Chairman and the Deputy Chairman of the Company in their letter to the Board of Control, dated the 1st of July, 1853, even went to the length of suggesting that the proposed mode of appointment by making the civil servants independent of their nomination might have an injurious effect on their discipline. They also expressed doubts as to how far the system would work smoothly in practice, because of the practical difficulties of so constituting a Board of Examiners and framing such rules of examination as would ensure success only to the really best qualified, instead of encouraging mere 'crammers.' They also expressed the fear that a competitive examination might only test book learning, while other qualifications not tested by mere book knowledge were essential for the service. The Board of Control in their reply, dated the 5th of July, 1853, reminded the Company of their changed character, that they were now—what we may call at the present day—a quasi-public body instead of a mere commercial corporation as before, and as such the selection of servants could no longer be allowed to be a matter of private patronage. As regards their last objection, the Board replied that they were perfectly aware that other qualifications beyond mere book learning were

<sup>1</sup> *Vide* correspondence between the Court of Directors and the Board of Control respecting the bill for the future Government of India in P. P., Vol. LXIX of 1852-53, p. 89.

necessary for Indian service, but at the same time, they pointed out, the existing system of patronage did not ensure these qualifications at least more than the proposed one. As this objection against competitive examination on the basis of a broad liberal education has been very popular with the opponents of the system, we may perhaps dwell on the point a little in detail. The reply to this objection and the case for such a system cannot perhaps be better put than in the words of Macaulay in his classic and oft-quoted speech before the House of Commons on July 10, 1833, when the Bill incorporating the principle of limited competition in the Indian service was before Parliament. We reproduce below some excerpts from that historic speech<sup>1</sup> :—

“ It is said, I know, that examinations in Latin, in Greek, and in mathematics are ~~no~~ tests of what men will prove to be in life. I am perfectly aware that they are not infallible tests; but that they are tests I confidently maintain. Look at every walk of life—at this House—at the other House—at the Bar—at the Bench—at the Church—and see whether it be not true, that those who attain high distinction in the world are generally men who were distinguished in their academic career. .... Education would be mere useless torture, if, at two or three and twenty, a man who has neglected his studies were exactly on a par with a man who has applied himself to them—exactly as likely to perform all the offices of public life with credit to himself and with advantage to society. Whether the English system of education be good or bad is

<sup>1</sup> Vide A. B. Keith, *Speeches and Documents on Indian Policy, 1750-1921*. (1922) Vol. I, pp. 252-53.

‘not now the question.....’ Whatever be the languages—whatever be the sciences, which it is, in any age or country, the fashion to teach, those who become the greatest “proficients in those languages, and those sciences, will generally be the “flower of youth—the most acute—the most industrious—the most ambitious of honourable distinctions.”

Closely similar sentiments on the competitive system have been expressed by another major statesman, we mean, the Rt. Hon’ble A. J. Balfour. He says<sup>1</sup>:—

“There can be no doubt, for example, that a man who can succeed in a severe competition must have great powers of work, great powers of concentration, great powers of maturing a subject and great powers of reproducing his knowledge. The existence of these mental powers is shown to demonstration by success: and they are all of them of the utmost use in every walk of life and not least perhaps in that of an Indian civilian. Next to these is a second class of qualifications which may or may not be found in successful competitors but which will be more often found in them than in men selected at random. Such for instance, would be a certain originality of mind and power of grasping all the factors of a complicated problem, so as to be able to form a judgment on them..... Then comes a certain class of qualifications which, so far as I see are not indicated in the slightest degree by success in examinations. Such are decision, firmness and that rapid intention which

<sup>1</sup> Vide evidence of Mr. M. A. Jinnah before the Indian Public Service Commission (1912-15), Vol. VI (evidence taken in Bombay),

marks the man of action whether statesman or soldier, refinement, knowledge of the world, the generality of the moral qualities and anything which approaches to what is called genius."

The case for competitive system could not perhaps be better put than in the above statements of two distinguished men with ripe experience of public life in England. No exaggerated claim is put forward on behalf of the system, but what can be fairly claimed in favour of competitive selection based on merit, as opposed to the nomination system based on favour, has been very clearly stated. Apart from ensuring in the recruits a higher level of general ability and other qualities as stated by Mr. Balfour, the competitive system has also another commendable feature in that it enlarges the area of selection from a small preserve to the whole community, by opening up equal opportunities to all, at least theoretically. It has been argued for the nomination system that, *at its best* it is expected to secure the picked men for the services, but it depends not on any certain principle but on the accident of the nominating authorities combining a high level of integrity, public spirit and moral scruples—hardly met with in the work-a-day world. On the other hand, it has invariably led to jobbery and nepotism and a deterioration in the average level of ability of the public servants, as was amply demonstrated by the working of the patronage in the hands of the Directors. Of course we quite agree with what Lord Haldane once observed in an address to the University of Bristol, that competitive examination is not an absolutely perfect test of ability and that under the system of nomination also sometimes the best men are chosen. He remarked in course of that address, "it is to be remembered that competitive examination is a means, though necessarily an imperfect one, of testing natural ability, as well as acquired training. The

state aims at attracting to its service a certain proportion of the ablest young men of each generation after they have received the education most likely to develop their ability." But that is nothing but stating a truism that no institution in this world is absolutely foolproof. In political life we follow usually the line of least resistance, and of the various means to an end we adopt that which is least fraught with harm, and at the same time has potentialities for good. It is from this angle that the competitive system can be said to possess an inherent superiority over the other. At any rate, in the controversy over the two principles, the competitive principle at last won the day. In 1853, one of the most important changes proposed by Sir Charles Wood in the legislation of that year for the renewal of the Company's Charter was the introduction of open competition described as "a great experiment which would justify itself by securing intellectual superiority while affording as good a chance as then existed of obtaining in successful candidates those qualities which no examination can test."<sup>1</sup> The Act (16 & 17 Vict., Cap. 95) deprived the Directors of the power of nominating persons for admission to Haileybury and threw open such admission to all subjects of His Majesty who might be successful on the results of a competitive examination to be held under such regulations as might be made by the Board of Control. In other words, the power of appointment to the Company's Civil service, so long enjoyed by the Directors, was in effect transferred to the ministry at home. With a view to giving effect to the provisions of the Act a Committee was appointed with Lord Macaulay as President for making detailed regulations regarding the system of selection and appointment of candidates. The report of the Committee marks

<sup>1</sup> *Vide* Hansard, June 3, 1853.

an important epoch in the history of the civil service not in India alone but elsewhere also. The competitive system originally recommended by the Committee for India was later adopted by England (1870) and almost every other civilised country. Once the competitive principle was adopted, the fate of the Institution at Haileybury was practically sealed, because the institution was the product of the system of nomination and designed to counteract its possible evil effects. Just two years later it was decided to abolish the institution. By an Act passed on the 16th of July, 1855 (18 and 19 Vict., Cap. 53) it was provided that :—

1. From and after the 31st of January, 1858, the College shall be closed.
2. No person is to be admitted a student into the College after January 25, 1856.
3. Every student of the College certified at the last examination in 1857 would be eligible for admission to the Company's service without putting in the required residence at the College.

So by a curious coincidence, the demise of the Institution and the replacement of patronage by merit as the basis of recruitment synchronised with the passing away of the Company itself as a ruling organisation. This indicated in a way a complete change of outlook on the question of appointments, marking as it did the passing away of the last trace of the commercial principle in administration, and placed the Government of the country on a normal basis as in every other State.

## CHAPTER VIII

### THE COMPANY'S CIVIL SERVICE—ON THE EVE OF TRANSFER TO THE CROWN'S ADMINISTRATION

#### *Scope of the Chapter*

We have seen how the Company's civil service was gradually transformed from a body of assistants in a commercial organisation into almost a regular administrative service of a state through the efforts of Hastings and Cornwallis, and also how the impetus given by Wellesley to their systematic education and training bore fruit in the institutions of Fort William and Haileybury designed to equip the Company's servants for the onerous responsibilities awaiting them in India. This latter development itself indicates a recognition of the change in the character of the service. The Company had not, it is true, as yet ceased to be a commercial body and actually did not cease to be one till 1833; but its commercial rôle progressively lost its importance by the side of its administrative rôle which kept on fast expanding both intensively and extensively, so that, from the standpoint of its service organisation, the period from the regime of Cornwallis up to the transfer of the governance of India from the Company to the Crown in 1858, may very well be treated as a continuous whole characterised by a unity of purpose. In spite of the direction of Parliament in 1784 to the Company, against a policy of aggression in India,<sup>1</sup> the period is remark-

<sup>1</sup> Section 34 of the Act (24 Geo. III, Cap. XXV) runs as follows :—

Whereas to pursue schemes of conquest and extension of dominion in India, are measures repugnant to the wish, the honour and policy of this nation; be it therefore further enacted, that it shall not be lawful for the Governor-General and

able for a steady drive towards territorial expansion, punctuated by intervals of quiescence serving as breathing space for organising and consolidating the administration of the territories acquired. Whether this was the outcome of a deliberate policy or was compelled by circumstances is not relevant to our study. What is important for our purpose is to notice the changes in administrative organisation necessitated by such expansion and how they came about. In a general way, we may say that the development of the service during this period is not marked by any fundamental departure from the system established and elaborated by Cornwallis. The changes that took place were more in structural details than in basic principles. We shall in particular deal with certain special features of the administrative development of this period, directly connected with territorial expansion.

### *Improved Moral Tone of the Service*

Before we pass on to deal with these special features and the structural changes referred to above, we should say a few words on the improved tone of the service at the end of the Cornwallis regime, which was maintained, if not strengthened, during the period. We should also give a brief account of the process of territorial expansion which established the Company as the paramount ruling authority in India. The former may perhaps be best described in the words of Lord Teignmouth, the successor in office to Lord Cornwallis. In a letter, dated March 7, 1798, addressed to his successor Lord Mornington, he wrote *inter alia* <sup>1</sup> :—"The

Council without the express command of the Court of Directors, or of the Secret Committee, in any case.....either to declare war or commence hostilities, or enter into any treaty for making war, against any of the country princes or states in India, etc.....

<sup>1</sup> *Memoir of the Life and Correspondence of John, Lord Teignmouth, (1853)* Vol. I, pp. 463-64,



internal administration of this country is now established upon solid principles, the operation of which will gradually produce the most beneficial effects. The line of discrimination (*sic*) between the Legislative, Judicial, and Ministerial functions of the Government, which were formerly confounded, has been marked with precision, and cannot be infringed without a perversion of the fundamental principle of all the Regulations. In an adherence to this principle the Natives see their own security, notwithstanding occasional attempts of individuals to procure a relaxation of it in their own favour..... Your Lordship will, with great pleasure, observe great zeal, assiduity, and ability in the officers under your administration. It has ever been my practice to conduct all official business through the regular official channels only, to admit the Heads of offices to me whenever they wished to obtain my advice or assistance, and to consult them on the business under their immediate superintendence. The despatch of business was by this mode much facilitated; and I have a pleasure in remarking, that I always found the zeal of the officers of Government proportioned to the confidence which I reposed in them..... In general, I may venture to assure your Lordship that you will find as great a portion of integrity, zeal, and assiduity in the officers of this Government as in any part of the world. It would, however, be absurd to assert that these qualifications are equal or universal; and your experience will lead to a knowledge of the exceptions, wherever they exist."

Speaking of the process of transformation of the service by the reforming zeal of Cornwallis, J. W. Kaye also observes<sup>1</sup>:—

"Even under the influence of this saving change,  
(meaning fixed salaries being attached, propor-

<sup>1</sup> J. W. Kaye, *The Administration of the East India Company*, Pt. III, Ch. IV. p. 418.

tionate to the importance of offices) men who had been accustomed to sit loosely to their obligations, were not suddenly braced up into a rigid observance of official propriety; but as the old men made way for a new race, who had not been settled in the Augean Stable, the character of the service greatly improved. With the morality of the men their intelligence rose also; they began to take a pride in their profession and an interest in the people. They were trained and disciplined, too, for the service. Colleges were established for their instruction alike in the learning of the East and the West; and in time they became not only the best paid service in the world, but one of the most efficient."

Such was the state of the service to which Wellesley succeeded and which was further improved by a systematic plan of education and training which originated with him. Wellesley saw the vision of founding an empire in India, which he also greatly succeeded in realising. He felt at the same time that the stability of an empire would depend mainly on a properly equipped administrative service. Hence his insistence on his scheme of education for the superior services, as we have noted. Had he not been convinced that the proper stuff was already there in the service, which only required to be a little more finished by education and training, he would not perhaps have conceived his idea of establishing an extensive empire in India.

### *Territorial Expansion*

In spite of the insistence of the Home authorities on a policy of non-intervention in Indian politics successive Governor-Generals of this period obeyed it rather in breach

than in observance. Some of them deliberately followed a policy of conquest and annexation, others were forced by circumstances, much against their inclination, to be drawn into the vortex of Indian politics. Wellesley, Hastings,\* Hardinge, Dalhousie belong to the former class, while Shore, Cornwallis and Minto belong to the latter. Cornwallis came determined not to interfere in the affairs of the native rulers, but ultimately found himself, in alliance with the Marhattas and the Nizam, at war with Tipu, for the very safeguarding of peace. His successor Shore kept completely aloof from any alliance or conflict with the native rulers and mainly occupied himself with stabilising the reforms effected by his predecessor. At this time there were four powers to be reckoned with in India,—(1) The British with its vassal the Nawab of Oudh, (2) The Marhattas, (3) Tipu and (4) The Nizam of Hyderabad seeking alliance with the British. Within the first quarter of the century the British were securely established as the paramount power in India. It was Wellesley and Hastings\* who practically brought about this result. Both of them deliberately followed a vigorous policy of conquest and annexation because they were convinced that stable peace could be attained in India only by installing the British as the paramount power in the country. Within three years of his assumption of office, Wellesley made the Company the supreme power practically over the whole of Southern India and the Gangetic plain in Northern India up to Delhi; and in the next two years he forced most of the princes of the Marhatta confederacy to accept subsidiary alliance with the Company. Thus when he left India in 1805, in the words of Ramsay Muir, “the British Empire in India was transformed into the British Empire of India.”<sup>1</sup>

\* Marquis of Hastings.

<sup>1</sup> R. Muir, *The Making of British India*, (1923) Ch. VI. p. 199,

His annexations created practically the existing provinces of Madras and the United Provinces. Had he been allowed the time, he would have completed what he deemed to be his mission, *viz.* the establishment of *Pax Britannica* throughout the whole of India, but he had proceeded rather too fast for opinion at home to tolerate his activities. As a consequence he was recalled in 1805. This was followed by a period of quiescence, nay, a definite set-back. Lord Cornwallis, who was sent from home with positive instructions to follow a policy of complete non-intervention, died shortly after arrival. George Barlow, who succeeded him, patched up a peace with Holkar which amounted to undoing in part what had been already achieved. The next Governor-General, Lord Minto, also followed the same policy during his regime (1807-13). But his successor, Marquis of Hastings, although he came pledged to pursue the same policy, found himself embroiled in a conflict with the Marhattas as a sequel to a successful campaign against a band of marauders known as the Pindaris, who were the protégés of the Marhatta princes. It ended in a complete smashing of the confederacy of the Marhatta princes. That meant not only the liquidation of the only remaining great power which could possibly bid for supremacy in India but the acquisition of valuable territories in Central and Western India as well. The Peshwa was deposed and his territories mainly went to constitute the British province of Bombay. The other princes of the confederacy were compelled to accept treaties acknowledging the paramountcy of the British and ceding portions of their territories. These formed the nucleus of the Central Provinces and Berar constituted later. At the same time some of the Rajput princes signed treaties, acknowledging the supremacy of the British power. Hastings has also another important victory to his credit, *viz.*, that in the Gurkha War against the neighbouring

state of Nepal. The resulting treaty not only made valuable addition to British territory in the present province of U. P., but secured lasting peace and friendship with that state. So Hastings realised the dream of Wellesley by completing his unfinished mission of making the British power paramount in the whole of India excepting Sind and the Punjab, which were reduced in the forties by Lords Ellenborough and Dalhousie respectively. His successor Lord Amherst (1823-28) was involved in a war with the king of Burma. The victory in this war, commonly known as the first Burmese war, yielded in 1826 new territorial possessions, *viz.* the present province of Assam and two strips of land on the Chittagong coast line—Arakan and Tenasserim. Thus practically by the close of the first quarter of the century the existing British empire in India was built up and placed on stable foundations without any rival power within to challenge its supremacy at any time.

### *Task of Consolidation*

While this process of territorial expansion was going on, the problem of administrative organisation in the newly acquired territories was not neglected. This was made possible, in the first place, by the periods of quiescence intervening the periods of activity, and, in the second place, by the fortunate coincidence in the rise of a band of exceptionally able administrators among the members of the civil service<sup>1</sup> of this period who proved themselves equal to the herculean task of bringing order out of chaos and organising the machinery of revenue and judicial administration in all these parts. Wellesley himself took

<sup>1</sup> The reference is to administrators like Mountstuart Elphinstone, Sir Thomas Munro, Sir Charles Metcalfe, Sir John Malcolm and others.

the lead in this direction. He not only directed his attention to the problem of organising administration in the newly acquired areas, but also addressed himself to the task of effecting useful reforms in the existing system. As R. Muir has observed <sup>1</sup> :—

“ Wellesley was not only a great conqueror, he was a great administrative reformer. The work of organising the wide new provinces brought under British rule was an immense task, and it was well and honestly done. The men whom Wellesley chose for this work were the founders of a new tradition of administration which was to show great results during the next generation; while the men who served as Residents at the courts of the dependent States set the model for a new kind of public service, not less valuable and even more difficult. In the actual machinery of justice and of government in the older province the Governor's reforming zeal equally displayed itself.”

The framework of the administrative machinery set up in the new areas was mainly modelled on that of Bengal, but in some respects there was a departure. Thus in effecting the revenue settlement of Madras or Bombay the scheme of permanent settlement adopted in Bengal was rejected as it was found to be defective in its working in Bengal. Again in the comparatively backward areas, as we shall see presently, a less complex system of law and administration than that prevailing in Bengal was adopted. We shall now discuss certain special features of the administrative organisation of the period brought about by the exigencies of administration.

<sup>1</sup> R. Muir, *A Short History of the British Commonwealth*, (1927) Bk. VIII, Ch. 4, p. 201.

*Special features—(1) Regulation and Non-Regulation Areas*

. The first of these is the distinction between what came to be known as the Regulation and Non-Regulation areas. To understand the distinction, a knowledge of the process of development of the administrative system is necessary. As is well known, Bengal was the first extensive territorial acquisition of the Company besides small areas in Madras and Bombay presidencies, and a full-fledged administrative system was first organised in Bengal. As new territories were acquired, they began to be added to Bengal till the Presidency came to be too unwieldy as a single unit of administration. Eventually conquests in Southern India led to the establishment of two other provinces with headquarters at Bombay and Madras. The overgrown Presidency of Bengal was split up into two charges, the other being known as the N.-W. Provinces under a separate Lieutenant-Governor. As new areas were acquired, they were added on to these provinces. But all were not administered under the same system. Two different systems were followed according to the character of the people inhabiting different areas, their level of culture and habits of life. The distinction arises from the fact that the more settled parts were governed under a more regular and elaborate system of laws and procedure called Regulations passed by the Governor-General in Council, while Non-Regulation areas were governed by executive officers under more simple rules and procedure made by the Executive to suit local conditions, although they were enjoined as far as possible to conform to the spirit of the Regulations. The distinction first originated when a Regulation (X of 1822) was passed in September, 1822, for exempting natives of the Garo hills and other primitive tribes on the north-eastern frontier of Rangpur from the operation of the existing Regulations

and for establishing a special system of government for the tract of country occupied by them, or bordering on their possessions.<sup>1</sup> The system was extended to many new areas subsequently acquired<sup>2</sup> and sometimes the Regulation system was withdrawn from areas where it was found to be unsuitable, as for instance, in Santal Pergunnahs. Two special characteristics of the Non-Regulation system were (a) that no legal enactments were in force except in so far as they were specially adopted and (b) that all executive and judicial functions were concentrated in the executive head of the district, who was styled 'Deputy Commissioner' instead of 'Collector.' Thus the personal element in the administration became more pronounced, and success or failure depended very much on personal equation. The officers had to be chosen with the greatest care and discrimination. "The system was paternal rather than formally legal, though legal principles were by no means set aside; and it largely depended for its success on the personal character, initiative, vigour and discretion of the local officers."<sup>3</sup> Another peculiarity of the system was that the superior posts were open not only to the covenanted civil service but to members of the military service and the uncovenanted civil service as well. The appointment of military officers in civil posts originated, even before,

<sup>1</sup> The Regulation was repealed by Sec. 3 of the Act XXII of 1869, save as to any settlement of land revenue, etc. made with Zemindars under its provisions.

<sup>2</sup> Areas where the Non-Regulation system was introduced were as follows :— Under the Bengal Presidency, the Saugor and Nerbudda territories, Jalon and Jhansi, Marwarra, Assam, Arakan and Tenasserim provinces, etc. Under the Government of N. W. Provinces were Dehra-Doon, Kumaon and Gurhwal, the districts taken from Nepal; under the Madras Government were the districts of Ganjam, Vizagapattam and Kurnool, and under the Government of Bombay were Colaba, Sind and Sattarah. The importance of the Non-Regulation system is statistically demonstrated by a table given at the end of the chapter giving a comparative statement of the territories under the two systems in the administrative jurisdiction of the different Governments in the middle of the nineteenth century.

<sup>3</sup> *Cambridge History of India*, Vol. VI, Ch. V, p. 87.



with Cornwallis who chose two distinguished military officers, Munro and Read, for organising land settlement in the ceded districts of Madras. The efficacy of employing military officers in civilian duties was found particularly great among backward people with primitive habits. This has been very well exemplified in the case of the administration of Sind, under Sir Charles Napier and his military assistants and of the Punjab under the Lawrence brothers, Henry and John. The practice of appointing military servants in civil positions became very common from the successful experiment in the Non-Regulation areas. In particular, Lord Ellenborough practised it to a fault, so much so that it became a grievance of the covenanted civilians who regarded it as an encroachment on their preserve.<sup>1</sup> This led Dalhousie ultimately to fix the proportion between the two services at fifty fifty. The proportion was later consistently raised, till ultimately mixed commissions were abolished. However that may be, this system of administration through mixed commissions proved particularly successful in Sind and the Punjab as also in other parts. The system worked well. The less costly and less elaborate system of administration was justified only in parts inhabited by less civilised people who were not accustomed to orderly government.

<sup>1</sup> Sir George Campbell observes in this connection :—

“Owing to the conclusion of settlement operations, new rules and other causes, promotion was a good deal retarded and pay reduced. It was just then that Lord Ellenborough and his strong proclivities in favour of the military and against civilians made things worse by his habit of replacing civilians by military men in every case in which he legally could do so. . . I disliked his extreme preference for military men and his contempt for civilians. The only compensation we got for the transfer of so many of the best appointments to military men, was that two or three young civilians were sent down to Scinde to be placed at the very bottom in that worst possible climate, under Sir C. Napier. If Lord Ellenborough was hard upon civilians, Sir Charles Napier was infinitely worse, he treated these young men abominably.” Sir George Campbell, *Memoirs of My Indian Career*, (1893) Vol. I, Ch. I, pp. 15-16,

J. W. Kaye has paid tribute to it in the following words <sup>1</sup> :—

“What a people suddenly finding themselves under the sovereignty of a new set of rulers most requires, is a government very little in advance of that from which they have been transferred. All abrupt and violent changes are as injurious to the constitution of a nation as they are to the constitution of a man.....Doubtless the rough ways of Sir Chalres Napier were better adapted to the feelings and habits of the Beloochees, after the conquest of Sindh, than the refined tendernesses and the judicial niceties of the greatest and wisest statesman that ever loved and toiled for a people.”

In the Punjab the system of mixed commission worked extremely well. It was built up by the joint efforts of Henry Lawrence, the military officer, and his brother, John, the civilian. Paying tribute to the administration in the Punjab, Kaye observes :—

“Returning to the administrative results, I think I am justified in saying that they have hitherto presented a most satisfactory appearance; and that no purely civil administration, like that which obtains in the Regulation provinces—no purely military government like that which Lord Ellenborough established in Sindh—would have accomplished so large an amount of good within so limited a space of time. The success of the experiment is to be attributed partly to the system, and partly to the men. Under no other system could so many rare administrative qualities have been fused into one governing body—could

<sup>1</sup> J. W. Kaye, *Administration of the East India Company*, Pt. IV, Ch. I, p. 435.

so many excellent parts have been combined into one excellent whole.”<sup>1</sup>

The three cardinal features of the system as elaborated in the Punjab were as follows :—(1) the concentration of all authority and responsibility in a single head, (2) the size of each district being small enough to make the responsibility of the district officer possible and real by personal contact with the whole area, (3) administration being run on the basis of some simple rules and laws, duly respecting local institutions and tradition.<sup>2</sup> The guiding principles of administration which Henry Lawrence set before himself and his officers may be described in his own words<sup>3</sup> :—

“ In a new country, especially a wild one, promptness, accessibility, brevity and kindliness are the best engines of government. Have as few forms as possible and as are consistent with a brief record of proceedings. Be considerate and kind, not expecting too much from ignorant people. Make no change, unless certain of decided improvement in the substitute—light assessment, considering the claims and privileges, even when somewhat extravagant, of the privileged classes, especially when they affect Government and not ryots.”

Although laid down for the Punjab in particular, they were more or less accepted and acted upon in other Non-Regulation areas as well. Particularly in the matter of judicial administration a marked difference was noticeable. The formalities and technicalities of procedure observed in the Regulation provinces were reduced to a minimum, thus justice being rendered speedy and cheap.

<sup>1</sup> J. W. Kaye, *op. cit.*, p. 460.

<sup>2</sup> L. S. S. O'Malley, *The Indian Civil Service*, Ch. III, p. 58.

<sup>3</sup> Quoted by O'Malley from one of his letters to a subordinate officer. *Ibid.*, p. 57.

With all its merits, however, it was suited only to a less developed state of civilisation and had to be given up as the people acquired more orderly and law-abiding habits of life and advanced in the scale of civilisation. The distinction ceased to exist for all practical purposes towards the end of the century.

## (2) *Covenanted and Uncovenanted Branches of Civil Service*

We now pass on to the other important special feature of the service organisation of this period, viz., the rise of what came to be known as the uncovenanted branch of the civil service as distinguished from the covenanted branch, which continued till the eighties. The name 'Covenanted' originated, as we have already seen, from the practice of the assistants of the East India Company subscribing to covenants with the Company defining their obligations and terms and conditions of service, which changed in form from time to time. In the early period, practically all its servants were imported from England and belonged to the covenanted civil service. But as the business of the Company expanded, and particularly since the assumption of administrative responsibility, the covenanted branch alone did not suffice for all its requirements and the Company had to employ men outside the covenanted service in less important positions. It was in order to stem the tide of incursion of men outside the covenanted service into positions hitherto held by the latter that Parliament specifically provided for the reservation of all civil positions below memberships of Council for the members of the covenanted service by the Act of 1793, and we have seen how Cornwallis also deliberately and systematically followed the policy of Europeanising the services. All the same, persons outside the covenanted service had to be appointed in increasing numbers through sheer necessity. The wide

extension of the Company's territories coupled with new activities of government, as the organisation was perfected, put increasing strain upon the limited number of covenanted servants, which could not be augmented forthwith to cope with the demand. John Adam, the then Governor-General, wrote as follows in a minute, dated June 12, 1823, regarding the shortage of covenanted servants and suggesting remedies for the situation arising therefrom <sup>1</sup> :—

“ I am aware that the orders of the Honourable the Court of Directors are opposed to the further employment of uncovenanted servants, but those orders were issued under a view of circumstances very different from that exhibited in the Statement now laid before the Board and the imperious necessity of the case must justify our deviation from the letter of the orders, at least to the extent proposed, while the present state of things continues to exist.”

Then there was also the financial stringency brought about by expensive wars and the not too good management of the finances of the country. All this compelled the calling to aid of men outside the covenanted service. So some officers of the military service were at first pressed into service for performance of purely civil duties, but

<sup>1</sup> *Vide* John Adam's Minute of 12 June, 1823, in Appendix IV to Parl. Paper, Vol. VIII of 1831-32. Throughout the second and third decades of the nineteenth century a lot of correspondence passed between the Court and the Governor-General in Council on the subject of shortage of covenanted servants and a demand for additional hands. Reference may be made in particular to the following :—

Public Letter from Bengal, dated 18 December, 1812 (*Bengal Letters Received*, Vol. 64, I. O. R.).

Public Letter to Bengal, dated 18 February, 1814 (*Bengal Despatches*, Vol. 63, I. O. R.).

Court's Despatch (Judicial) to Bengal, dated 23 July, 1824. (*Vide* Parl. Paper, Vol. VIII of 1831-32, Appendix IV.)

Court's Despatch to Bengal, dated 23 July, 1828. (*Vide* Parl. Paper, Vol. XII of 1831-32, App. I.)

even this means was found inadequate and the Government had to requisition the services of outsiders, both European and Indian. In course of time this element became a regular and important branch of the civil service even outnumbering the covenanted branch <sup>1</sup> and forcing itself on the recognition of the Government as a distinct branch of the service. One writer has traced the development of the uncovenanted service in the following words <sup>2</sup> :—

“ From the early period in the history of the covenanted service, native writers, who were employed, as copyists, to relieve the covenanted officers of the drudgery of the desk, filled the Government offices. In the course of the century, we see, that the advantages of employment under Government, had attracted men of superior ability into this subordinate service ; by slow degrees higher and higher duties were entrusted to this class of servants, until they found themselves by their intelligence, character and faithfulness, in positions of high and important executive control. .... The Government recognised them as a service, appointed them a status which their usefulness and ability had earned for them, granted them privileges of leave of absence and pensions, which proved to be not only a fair and liberal concession to deserving men, but also had the effect of rendering this branch of the service more valuable than it had been, of improving in no small measure its tone and character, and, consequently, its utility to the state.”

<sup>1</sup> The proportion of uncovenanted to covenanted officers in only the judicial and revenue lines, was found in the fifties in Bengal to be as 402 to 163 ; in the N. W. Provinces as 363 to 121 ; with a still greater preponderance of uncovenanted servants in the Punjab, and the presidencies of Madras and Bombay.

<sup>2</sup> *Vide* Article VII, titled *The Uncovenanted Service* in ‘ Calcutta Review ’ Vol. XXXVI (1861).

The process of incursion of uncovenanted service into even more important positions in executive and judicial branches went on till the line of division between the two tended to be blurred.

They held posts in the Judicial, Revenue, Salt and Opium Departments as Deputy Magistrates, Deputy Collectors, Munsifs, Sadar Amins, Deputy Opium Agents, Assistant Salt Agents, etc. but on occasions they were appointed to more responsible posts which were so long the monopoly of the covenanted service. In some instances in Bengal and the Punjab certain appointments were overruled on the ground that they were not warranted by the terms of the Act of 1793. The difficulty arose from the vague language of that Act. The distribution of offices between the two services was determined in each case at the discretion of the appointing authority. There was a rough line of demarcation, but there were a large number of posts on the margin, which went to the one service or the other in different circumstances. In 1885, for instance, the Lieutenant-Governor of Bengal appointed an uncovenanted officer to officiate as a civil and sessions judge. In their order of annulment of the appointment the Government of India wrote :—" It might be difficult, perhaps, to define very precisely all the offices which are, or are not, included in the words 'offices, places, or employments in the civil line of the Company's service'; but it is quite certain that the office of civil and sessions judge is included in them. A reasonable interpretation has always been put on the words of this law, but if these words should now be interpreted as not including those offices in the regular judicial and revenue lines of the service which have hitherto been held only by civil servants of the Honourable Company, the law would be annulled altogether." This view was also upheld by the Home Government; but curiously enough it approved, at the

same time, of the appointment of an uncovenanted officer to the collectorship of Bombay which should be placed in the same category as that of a sessions judge. But many such appointments not strictly warranted by law had to be made with the connivance of the Home authorities till they were regularised by the East India Civil Service Act of 1861, which also reserved to members of the covenanted branch of the service all important civil posts under the Memberships of Council in the Regulation Provinces by means of a schedule. It may be noted, however, that the practice of appointing members of the uncovenanted service along with the military was of more frequent occurrence in the Non-Regulation provinces, although in the Regulation provinces it was not so very rare.<sup>1</sup> Even Lord Dalhousie upheld it in principle and did not appreciate the logic of excluding uncovenanted servants religiously from all higher appointments. He wrote in January, 1856 :—" It does, I must confess, appear to me undesirable and unnecessary that the law should be so worded, or so interpreted, as to prevent an uncovenanted officer being nominated to act for a covenanted judge or collector for short periods of leave, such as a month or two months. For so short a period of time, the appointment of a covenanted officer to act will often occasion many changes, at great public and personal inconvenience, while if no acting appointments at all are made, arrears accumulate and the public suffers."

<sup>1</sup> Even in 1860 the following appointments were held by uncovenanted Europeans :—

Director of Public Instruction	..	..	Salary of	Rs. 2,500	per mensem
Senior Magistrate, Calcutta	..	..	Salary of	„ 2,000	„ „
Post Master General, Calcutta	..	..	Salary of	„ 1,500	„ „

The most lucrative office held by an uncovenanted Indian at the time was that of the Clerk Assistant to the Legislative Council on a salary of Rs. 1,500.

[From a pamphlet on *A Very Few Words respecting the Constitution of the Covenanted and Uncovenanted Service of India*, (1860) by H. R., kept in Acton Collection (1903), Cambridge University Library.]



Whether the Company wished it or not, appointments outside the covenanted service went on increasing and in particular it received an impetus from the liberal policy of Lord Bentinck towards the introduction of Indians in administration, specially in the judicial line. Thus this element came to be organised as a regular service and was recognised by the Government as such. It memorialised the Government for the revision of Regulations for the improvement of the conditions of service, in view of its importance as a service. The improved conditions of the service had the effect also of attracting a better and more educated class of Indians. Side by side, attempt was made to draw the line more distinctly between the covenanted and uncovenanted branches. When a Commissioner (one Mr. Ricketts) was appointed about this time to go into the question of the revision of civil salaries and appointments, he laid special emphasis on this point. In the concluding paragraph of his minute, Mr. Ricketts wrote :—" The steps necessary in this matter, are, first the revision of the list and the transfer of every office, or class of offices which it may be considered right to reserve for the covenanted service, to the list styled ' Exclusively Civil,' secondly, the modification of the Act 33 Geo. III, Cap. 16, which rules that all vacancies happening in any offices, places or employments in the civil line of the Company's service in India, being under the degree of the Councillor should be from time to time filled up and supplied from among the civil servants of the said Company belonging to the Presidency wherein such vacancies shall respectively happen, *and the enumeration of the offices which shall be exclusively filled by covenanted servants, and shall not be bestowed on any other class except on temporary emergencies when covenanted officers will not be available,* and thirdly, should the doctrine of payment according to race prevail, a declaration of the percentage by which the salaries now

adjusted shall be decreased when an office may be bestowed on a person of European descent born in India, or an East Indian, or a Christian Native, or a Hindoo or a Mahomedan Native."<sup>1</sup> The suggestions, however, did not receive the sanction of the Government. But the distinction came to be officially recognised, as is evident from the appellations being mentioned in official documents such as Despatches and Resolutions of Government. The definition given to it in the pension code was:—"An uncovenanted officer is a public servant not belonging to the Covenanted Civil Service, the Native Civil Service or the Army."<sup>2</sup> It finally disappeared on the recommendations of the Public Service Commission of 1886-87, when the Services were reorganised on new lines at different stages as Imperial, Provincial and Subordinate.

### (3) *Increasing Entry of Indians into Services*

Another special feature of the service organisation of the period which is very much connected with the one just considered, is the increasing entry of Indians into the administration,—at the beginning only in inferior positions, but later even in more responsible ones. This tendency gained momentum as time went by, and as will be seen later, culminated in the demand for self-government, that is, not only increasing employment of Indians, but complete transfer of responsibility from European to Indian hands. As a matter of fact, the major portion of the uncovenanted posts were held by Indians, though there was no such requirement. This was forced by sheer necessity,—on the one hand, due to the inadequacy of the covenanted service to cope with the increasing volume of work, with the growth

<sup>1</sup> Quoted in an article *The Uncovenanted Service* in 'Calcutta Review,' Vol. XXXVI (1861) (*Italics ours*).

<sup>2</sup> *Vide* evidence of E. Jenkins, Parl. Paper, Vol. XIII of 1890.

in the complexity of administration in the fast expanding territorial possessions, and on the other hand, to considerations of economy.<sup>1</sup> Even Lord Cornwallis who pursued deliberately a policy of excluding Indians, was forced to admit Indians in minor positions of the revenue and judicial lines from these considerations which received additional force during the opening years of the nineteenth century. In the twenties many of the Indian statesmen and even the Court of Directors insisted on the acceptance of a policy of employing Indians in new positions, enlarging their powers and also equipping Indians for the discharge of the responsibilities imposed upon them—which meant a reversal of the policy of Cornwallis. Mr. Bayley, an important member of Bentinck's Government, exposed the shortcomings of the policy of Cornwallis in a Minute, dated November 5, 1829, pointing out the inevitability of the introduction of the Indian element, particularly in the judicial administration. "It was the principle of Lord Cornwallis's system," he wrote, "to provide for the administration of civil as well as criminal justice, by the almost exclusive agency of European functionaries. The districts into which the country was parcelled out were far too extensive and too populous to be successfully superintended by the individuals to whose charge the judicial administration

<sup>1</sup> We may quote in this connection some observations made by the Civil Finance Committee appointed by Lord Bentinck's Government to devise ways and means of economy in administration in a letter to the Governor-General in Council on the 12th of July, 1830:—"It will be seen hereafter that in the Judicial and Revenue branches, the arrangements we propose are founded mainly on the principle of substituting native for European agency in the courts of primary jurisdiction, and in the conduct of details. The expediency of acting upon this principle, we are happy to believe, is now generally admitted; and experience having shown that in no other way can the charges of administration be kept within moderate bounds, a regard for economy would alone suggest the policy of gradually raising the functions and enlarging the emoluments of our native fellow subjects, even if there were no higher considerations to induce the adoption of the measure."

*Vide* Parl. Paper, VIII of 1831-32, App. III.

was entrusted ; ..... It is obvious that we began by aiming at more than could possibly be accomplished ; that the expectation of being able to carry on the administration of justice, civil and criminal, by European agency, was utterly fallacious ; that no addition of numerical strength to the European portion of the judicial establishments, which the public finances can at present afford, will do more than yield a partial or temporary relief ; that we must necessarily look to the still more extended employment of natives (subject to European superintendence) if we desire to secure a moderately prompt and efficient administration of civil justice. It is true, as stated in the Letter to the honourable the Court of Directors, under date the 5th of October, 1826, that the system, when originally introduced in the year 1793, was ill-calculated to encourage the formation of a class of natives, qualified by their education and character to fill high and responsible situations in the administration of justice throughout the country. They were employed at first either in matters only of very inferior importance, or under the immediate eye of the judges ; but as the necessity of having recourse to their assistance became more and more obvious, the original principle was gradually departed from and an establishment of native judicial officers has consequently grown up, who already exercise very considerable powers." He further pointed out that the trust reposed in them had been well vindicated. " At the present moment," he wrote, " a very considerable proportion of the administration of civil justice is actually entrusted to them ; and the mode in which they have very generally discharged their duties encourages their still further employment. Referring to the testimony which has been borne in their favour by many of the authorities to whom they are subordinate, it is hardly too much to say that in the districts where, comparatively speaking, the inhabitants enjoy the

benefit of an efficient administration of civil justice, it is ascribable in a very extensive degree to the instrumentality of those 'officers.' He pleaded for the employment of natives on grounds of policy besides those of expediency, as in his opinion, 'such an arrangement will serve to attach to us that influential class of natives who are most eminent for education and talents.' Sir John Malcolm also was of the same way of thinking. As Governor of Bombay, he wrote a minute on the question on November 10, 1830, in course of which he wrote as follows<sup>1</sup> :—

"A twelvemonth nearly has elapsed since almost all original civil suits were made over to natives, and there have neither been any complaints nor charges of delinquency to throw a stain upon the equity or purity of their proceedings. I am quite satisfied that, if they are liberally paid, and have proper incentives to action, in the prospect of honourable rewards, there cannot be the slightest doubt of the complete success of this measure. It is recognised by the higher classes as a boon, and while their pride is gratified by the confidence Government reposes in them, that confidence must aid in producing the virtue and integrity which it anticipates."

Mr. J. H. Harington in a Minute, dated June 18, 1823, drew pointed attention to the inadequate number of covenanted servants of the Company for the execution of the public duties appertaining to the internal administration of the country, especially in the Revenue and Judicial Departments, and pressed for its increase. The Government also in a letter to the Court, dated the 3rd of July, 1823, made the same demand. In their reply, dated July 23, 1824,<sup>2</sup> after detailing the measures

<sup>1</sup> *Vide App. IV to Parl. Paper, Vol. XII of 1831-32.*

<sup>2</sup> *Vide App. IV to Parl. Paper, Vol. VIII of 1821-32.*

already taken to meet the demand for additional civil servants, the Court pointed out that as the Act of 1813 (clause 46) required that no writer could be appointed after the 10th of April, 1814, who had not put in four terms in the Haileybury College, it was not possible to comply with their request immediately. As a way out of the difficulty, the Court urged upon the Government the advantage and necessity of more extensive employment of native agency in the judicial department under European supervision. They wrote :—" But whatever may be the urgency for increasing your European civil establishment and to whatever extent it may be found necessary to carry that increase, we cannot let the present opportunity pass without again inculcating that which we have endeavoured to impress upon you on various occasions in the course of the last ten years, viz. the advantage and necessity of a more extensive employment of native agency in the Judicial Department of the service. The Regulations passed by you with this object in the beginning of 1821 have our cordial approbation. .... We are satisfied, that to secure a prompt administration of justice to the natives of India in civil cases, native functionaries must be multiplied so as to enable them to dispose in the first instance of all suits of that description, and, as appears to us, without regard to the amount at stake ; their decisions being of course liable to revision under appeal, where this check may be deemed indispensable....."

Against the charge that Indians could not be trusted with administrative responsibility they made a vigorous defence saying that they had already been trusted and found satisfactory. At the same time they stressed the need of paying them adequately. " When we place the natives of India in situations of trust and confidence, we are bound under every consideration of justice and policy to grant them adequate allowances : We have no right

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to calculate on their resisting temptations to, which the generality of mankind, in the circumstances, would yield. But if we show a disposition to confide in them, and liberally to reward meritorious services, and to hold out promotion to such as may distinguish themselves by integrity and ability, we do not despair of improving their characters, both morally and intellectually, and of rendering them the instruments of much good."

Apart from the ground of expediency another factor that independently played an important part in stimulating the movement towards the increasing employment of Indians in public services was the change in the angle of vision of the authorities towards their obligations in India.<sup>1</sup> Up to the second decade of the nineteenth century, the attitude of the authorities at home towards Indian possessions was one of imperialistic exploitation for the benefit of the rulers. Even the care and attention bestowed on perfecting the internal administration was prompted more by selfish motives of gain than solicitude for the welfare of the governed. But perhaps the failure of this predominantly commercial policy in America, coupled with the realisation of the fact that the Company as the paramount ruling power in India had a responsibility for the moral and material welfare of the people placed under their government, led to a re-orientation of their policy towards India.<sup>2</sup>

The rise of liberalism in England at that time might have also contributed to the same end. Just at this time there came to India a band of scholar-statesmen like Elphinstone, Malcolm, Holt Mackenzie, Sir Charles Metcalfe and others who were saturated with liberal thought

<sup>1</sup> *Vide* in this connection Article VII in *Calcutta Review*, Vol. IX.

<sup>2</sup> R. Muir observes :—" The realisation of the fact that Britain was now responsible for the government of all India led men to take a new view of the functions of government. It helped to give birth to new political aims and a new and deeper sense of responsibility for the welfare of the Indian peoples."

[R. Muir, *The Making of British India*, (1923) Ch. VIII, p. 276.]

and who in turn transmitted it into the spirit of the Indian administration. All of them favoured a liberal policy in administration conceived in the interest of the people and advocated extensive employment of natives and giving them the benefits of education. This can be illustrated from some of their statements. For instance, Holt Mackenzie observes in course of a Minute, dated October 1, 1830<sup>1</sup> :—

“ Nothing can be more striking than the scorn with which people have been practically treated at the hands of even those who are actuated by the most benevolent motives ; for, since the world began, there is probably no example of a government carrying the principle of absolutism so completely through the civil administration of a country, if that can be called civil which is in its spirit so purely military ; nay, which sets the people aside in the management of their own concerns much more than the *sepahes* in the government of the army. The principle pervades every act, from the highest exercise of legislative power to the appointment of the meanest public officer.” Another of this group of administrators, Sir Thomas Munro, as Governor of Madras, seems to have held the view as early as 1824 that the ultimate justification of British rule in India would be that under its guidance the Indian peoples should be gradually enabled to govern themselves. This is a far cry indeed from the imperialist policy of Hastings, Cornwallis and Wellesley. He wrote :—“ We should look upon India, not as a temporary possession, but as one which is to be maintained permanently, until the natives shall have abandoned most of their superstitions and prejudices, and become sufficiently enlightened to frame a regular government for themselves, and to conduct and preserve it. Whenever such a time shall arrive, it will probably be best for both countries that the British

<sup>1</sup> App. III to Parl. Paper, Vol. VIII of 1831-23.



control over India should be gradually withdrawn. That the desirable change contemplated may in some after age be effected in India, there is no cause to despair. Such a change was at one time in Britain itself at least as hopeless as it is here. When we reflect how much the character of nations has always been influenced by that of governments, and that some, once the most cultivated, have sunk into barbarism, while others, formerly the rudest, have attained the highest point of civilisation, we shall see no reason to doubt that if we pursue steadily the proper measures, we shall in time so far improve the character of our Indian subjects as to make them able to govern and protect themselves.”<sup>1</sup>

On the 27th of April, 1827, he wrote in a Minute arguing for the promotion of natives to higher offices as follows :

“ We ought to look forward to a time when Natives may be employed in almost every office, however high and we ought to prepare them gradually for such a change, by entrusting them with higher duties from time to time, in proportion as experience may prove their being qualified to discharge them.

“ The employment of Natives in high offices, will, be as much for our own advantage as for theirs it will tend both to the economy and efficiency of the administration of public affairs. Every time that a native is raised to a higher office than had before been filled by any of his countrymen, a new impulse will be given to the whole establishment ; the hope of attaining the higher office will excite emulation among those who hold the inferior ones, and improve the whole.”

<sup>1</sup> Quoted in R. Muir, *The Expansion of Europe* (6th Edition), Ch. VI, p. 101.

Whatever the causes, the fact remains, that there was a marked change in the policy of British rule in India, which was visible in measures for the moral and material uplift of the natives of India. This found concrete expression not only in the increasing measure of employment of Indians, but also in the adoption of a conscious policy of education and various measures of social reform. Above all, the experiment of employing natives in inferior positions, which was forced by necessity even in the previous period, as we have seen, also proved quite successful and encouraging in its results which is clearly admitted by many persons connected with the administration in their evidence before the Parliamentary Committees of 1830 and 1852. It was, therefore, hoped that given good facilities in the shape of education and adequate salaries, they could be entrusted with positions of higher responsibility.

*Promotion of Education among Natives as a Part of the  
Policy of Employment of Indians*

The adoption of a deliberate policy of imparting education to Indians was perhaps inspired by complex motives, but that one of the chief motives was to secure a supply of Indians fitted for manning the administration is beyond doubt. It is also true that the influence of liberal thought played no less significant a part in the matter. Any way, the policy was officially recognised by the Act of 1813 (53 Geo. III, C. 155, Sec. 43) in assigning a sum of not less than one lakh of rupees annually out of the surplus of territorial revenues of the Company for "the revival and improvement of literature and the encouragement of the learned natives of India and for the introduction or promotion of a knowledge of the sciences among the inhabitants of the British territories in India." Accordingly the Court ordered the several Governments

to devise some plan for the instruction of the people in useful sciences. Educational institutions began to spring up, but as yet no well-thought-out plan was devised to impart education on right lines or to co-ordinate the educational efforts of the Government towards a definite end.

The first attempt in this direction was the formation of a General Committee of Public Instruction composed of civil servants, about the year 1823, at the Presidency with the object of "considering and from time to time submitting to Government the suggestion of such measures as it might appear expedient to adopt with a view to the better instruction of the people, to the introduction among them of useful knowledge, and to the improvement of their moral character." The disbursement of the educational grant under the Act of 1813 was entrusted to this Committee which began to exercise control over the institutions receiving Government aid. Very soon the Committee split up into two sections over the question as to the lines on which education should be imparted to natives. These two parties to the controversy are commonly referred to as the 'Orientalists' and the 'Anglicists.' The former wanted to continue the policy of pursuing the existing course of instruction and gradually engrafting European science thereon, while the latter proposed to divert all funds spent on oriental studies to imparting to Indians literary and scientific education through the medium of English. The latter school believed in the "infiltration theory," or the saturation of masses by the limited class receiving English education. Both schools were agreed, however, that the vernaculars of the country contained nothing that was necessary for a liberal education. The Anglicists headed by Macaulay at last won the day. The famous minute, dated 2nd February, 1835, of Macaulay as chairman of the Committee, forms an epoch in the educational history of the country, as laying the foundation of western

education. It was accepted by Lord Bentinck's Government in a Resolution, dated the 7th of March, 1835, in course of which he wrote :— " His Lordship in Council is of opinion that the great object of the British Government ought to be the promotion of European literature and science among the natives of India; and that all the funds appropriated for the purposes of education would be best employed on English education alone." The Directors also approved the change, because from motives of economy as well as reasons of policy they wanted a good supply of Indians who had received western education in the public services. This marked a turning-point in the course of Indian education. Before 1835, the educational institutions with one or two exceptions were oriental in character and the medium of instruction was also oriental. No funds were available for the propagation of English education and the diffusion among people of useful knowledge. Henceforth indigenous institutions were left to their fate depending on private support alone and all Government funds were diverted to institutions imparting western education. But more active support was given to institutions of the latter type in another way. A policy was adopted of making education received in these institutions the passport to government service. The practice of giving preference to educated persons in the matter of public service had begun even earlier, but now a premium was placed upon English education, thus indirectly discouraging oriental studies. At the time of the institution of the General Committee of Public Instruction, for instance, the aims of the Government's educational policy were set forth clearly in a note of the Territorial Secretary as follows <sup>1</sup> :—

" The first step is to settle the ultimate object to be aimed at. For otherwise we may debate about

<sup>1</sup> Vide Secretary's note in *Bengal Revenue Consultations*, dated 17 July, 1823. (Range LIX, Vol. 45, I. O. R.)

the means without end. It is not then the wish of the Government that the people should be merely taught what is necessary to make them expert agents of the civil administration of the country as now administered. It is not desired to keep from them any species of knowledge that can enlighten their minds or improve their moral feelings..... To keep the people weak and ignorant that they may be submissive is a policy which the Government decidedly reject etc. etc."

The policy of giving to persons who had received education preference in public employment was first applied in the judicial line. Early in the year 1825 the Bengal Government, on receipt of a communication from Madras, considered a proposal for encouraging education among the natives of India by a Regulation directing a preference for public employments in the courts of justice of persons duly certified to be of competent learning. The Government eventually directed the judges of the different courts, in selecting pleaders for their respective courts, to give preference to those persons who should produce certificates of their acquirements, and to recommend for such certificates such individuals as appeared to them best qualified for the office, which certificates the Committee of General Instruction was empowered and directed to grant, after due enquiry, in all cases. In August, 1826, the Bengal Government had again under its consideration the proposal to make literary attainment the condition of appointment to the law stations in the courts and of permission to practise as law officers in those courts.<sup>1</sup> In pursuance of

<sup>1</sup> I am indebted for all the information on this head to the writer of an article titled *Memoir on Education of Indians* in "Bengal—Past and Present," Vol. 18. That memoir purports to be compiled from Records in the East India House in pursuance of a Minute of the Committee of Correspondence of 7 February, 1826,

this object, a Committee of Examinations at the Presidency was appointed and a Regulation (XI of 1826) was passed. The following rules were also passed for the guidance of the Committee and embodied in the Regulation :—

1. The Committee was to act under the orders of the Government in the Judicial Department.

2. The appointment and removal of law officers in the several courts were to be made by the Government on the nomination of local offices.

3. All nominations to such situations were to be made from amongst the number of candidates possessing suitable certificates.

4. Whenever a vacancy might occur from death, resignation or otherwise, in the station of law officer of a Zilah or Provincial Court or of the Court of the Dewani Sudder Adawlat, the appointing authority was to report the circumstance to the Committee of Examinations, who after proper examination were to use their discretion in issuing certificates.

5. In cases where no candidate possessing that testimonial or willing to stand the prescribed examination was forthcoming, or those applying for the examination had failed, it would be the duty of the court to apply to the local Committee of the nearest Government College or to the Committee of Public Instruction at the Presidency to recommend a duly qualified successor. In course of a letter, dated the 5th of September, 1827, in reply to Bengal Government's letter of July 30, 1823, intimating the appointment of a General Committee of Instruction, the Court remarked, among other things:—

“Adverting to the daily increasing demand for the employment of natives in the business of the

country, and in important departments of the Government, the first object of improved education should be, to prepare a body of individuals for discharging public duties. It may, we trust, be expected that the intended course of education will not only produce a higher degree of intellectual fitness, but that it will contribute to raise the moral character of those who partake of its advantages, and supply you with servants to whose probity you may, with increased confidence, commit offices of trust."<sup>1</sup>

They also approved the instruction sent by the Government to the courts regarding the selection of individuals for public offices in the Judicial Department. In their next letter to Bengal on this subject written on the 29th of September, 1830, the Court, after reviewing with approval the progress already made in the measures for the education of natives, approved, in particular, of the rules, as noted above, regarding examination as the basis of appointment to law stations in courts. In this letter <sup>2</sup> also they stressed the object of native education as being to raise a class of natives qualified to fill public offices.

Again on December 10, 1834, the Directors informed Bentinck's Government that every effort must be made to enable natives of India to compete for the public service with a fair chance of success 'whether by conferring on them the advantages of education, or by diffusing among them the treasures of science, knowledge and moral culture.'<sup>3</sup>

<sup>1</sup> Judl. Letter to Bengal, dated 5 September, 1827, in *Bengal Despatches*, Vol. 105, I. O. R.

<sup>2</sup> Letter to Bengal, dated 29 September, 1830 in *Bengal Despatches*, Vol. 114.

<sup>3</sup> Public Despatch to Bengal and India (No. 44), dated 10 December 1834. See also *Cambridge History of India*, Vol. VI, Ch. VI, "Education and Missions to 1858," by Sir H. V. Lovett, p. 111.

In 1844 Lord Hardinge's Government reaffirmed the same principle. With the progress of education since the adoption of the new policy by Lord Bentinck the prejudice against the employment of Indians in public service was consistently dying out, and a feeling was growing at the same time that the seminaries aided by the Government ought to be made the nursery of the public service, so that the Government might reap some return from the immense expenditure it made on them. It was this feeling which inspired Hardinge's notification of October 10, 1844. Originally the notification proposed to introduce into the public service students of all institutions, those depending on Government as well as those maintained by private enterprise. But within a few months this was superseded by another resolution laying down a scale of qualifications or rather a rule of examination which practically shut out students of private institutions. The original intention of Lord Hardinge was that the heads of the various institutions and colleges should send in a return every year of their best students which should be forwarded to the officers in the interior of the country, in order that when situations, which they were competent to fill, would fall vacant they might be given to these men.<sup>1</sup> There was no intention of making any distinction between students of one institution and another, as is made clear in the following remarks of the Deputy Governor, Sir T. H. Maddek, in a speech delivered in Town Hall, Calcutta, on March 24, 1847 :—"The object of the Government is to secure for its use the services of the most distinguished talents. It is not its object to patronize one institution in preference to another. The ablest man, wherever educated, is he who should stand first on the list of candidates for public employment. The object of diffusing a taste for

<sup>1</sup> *Vide* evidence of J. C. Marshman, dated 21 July, 1853.

Answers to Questions 8608-11 in P. P., Vol. XXIX of 1852-53.



education, by rewarding with Government employment those who are best educated, and the object of obtaining for Government employment the best educated individuals, must be secured in concert. They must stand or fall together.”<sup>1</sup> The last few lines give a clear indication of the educational policy of the Government at the period. Within a short time, however, examinations for entry into public service were instituted by the Council of Education which gave a decided advantage to the students in Government institutions. This raised a storm of protest in many quarters and was disapproved even by the Court of Directors. However that might be, what is important for our purpose is that English education was made the passport to Government service. The same policy was reiterated even in Sir Charles Wood’s Educational Despatch (No. 49) of July 19, 1854,<sup>2</sup> which shows that the policy was consistently followed throughout the period. In paragraph 3 of the Despatch he writes :—“ We have moreover always looked upon the encouragement of education as peculiarly important, because calculated not only to produce a higher degree of intellectual fitness, but to raise the moral character of those who partake of its advantages, and so to supply you with servants to whose probity you may with increased confidence commit offices of trust in India, where the well-being of the people is so intimately connected with the truthfulness and ability of officers of every grade in all departments of the state.” The principle of employment of Indians wherever practicable in the view of the authorities at the time, or rather the removal of disqualification of natives for holding public offices on the score of birth found statutory recognition in the Parliamentary Act of 1833 (clause 87). It did not

<sup>1</sup> Quoted in *General Report on Public Instruction in the Lower Provinces of Bengal from May 1, 1848 to October 1, 1849*, in *Calcutta Review*, Vol. XV (1851).

<sup>2</sup> *India and Bengal Despatches*, Vol. 87 (I.O.R.).

mean of course any material advance in the matter of Indian employment, but it had a significance, all its own, in so far as the Legislature formally recognised the right of Indians along with Britishers to hold appointments for which they would be otherwise qualified. In the words of the Court of Directors<sup>1</sup>—"there shall be no governing caste in India, that whatever other tests of qualification may be adopted, distinctions of race or religion shall not be of the number." The steps that were subsequently taken to translate into practice the full implications of this clause will be discussed later. The liberal policy initiated by Lord Bentinck in regard to the employment of Indians was followed up consistently throughout this period, and on the eve of transfer of administrative responsibility from the Company to the Crown not only were the services in the inferior grades practically monopolised by educated Indians, but the path was paved for their entry into the superior services by removing the practical obstacles in the way.

### *Development of the Structure and Organisation of the Services*

We shall now briefly trace the development of the structure and organisation of the civil services during the period, and here we may note what we have already said that the changes were not at all fundamental in character. The administration was run at all stages by the two main divisions of the civil service, referred to above, *i.e.* the covenanted and the uncovenanted, besides a sprinkling of military officers mainly in the Non-Regulation areas. There were originally three different administrative units, Presidencies as they were called, to which were added new administrations as new territories were acquired and the Presidencies became

<sup>1</sup> *Vide Public Despatch to Bengal and India* of 10 December (No. 44 of 1834), para. 145, for the Directors' exposition of clause 87 of the Act of 1833,

overgrown as single administrative units. Thus the N.-W. Province and the Punjab were carved out in 1836 and 1849 respectively as separate administrations from the overgrown Presidency of Bengal. By the Act of 1833 a separate central Government was instituted distinct from the Government of Bengal, with powers of superintendence, direction and control over all the local administrations, although the Governor-General of India for the time being presided over the Government of Bengal also, pending the appointment of a separate executive head for Bengal. The Government of India, apart from the task of superintendence, had also under its charge the direct administration of certain areas. It took some time to complete the separation of the governmental organisation of the central Government from that of Bengal. So far as the local administrations were concerned, their organisation was on parallel lines, with differences in details. The main branches of the Service based on different types of business, after the regime of Cornwallis were—(1) Commercial, (2) Revenue, (3) Judicial, and (4) Political. Of these the Commercial branch was consistently shrinking with the loss of its importance, until after 1833 it disappeared altogether with the abolition of the commercial functions of the Company. Till then its organisation continued unchanged as left by Cornwallis. The Revenue branch happened to be regarded as the most important, as the greatest importance was attached to the revenue administration to the neglect of everything else. It was Lord Cornwallis who first emphasised the importance of efficient administration of justice and laid the foundation of a judicial service separate from the revenue. But still the Revenue branch continued to be the most important inasmuch as it was concerned with revenue collection on which depended the financial stability of the Company. The Political branch carried on the diplomatic work, which gradually grew in importance with the ascendancy of the

Company as a political power. When the central Government was instituted, this branch came under its control. In each of these departments the superior posts, *i.e.* positions of superintendence, direction and control, were held by the covenanted servants, while the inferior positions were held by the uncovenanted branch which was becoming increasingly manned by Indians. We shall now attempt a description of the organisation of the services at different levels.

The supreme authority of the central Government and of each unit consisted of the Governor-General, the Governor or the Lieutenant Governor, as the case might be, as the head of the administration, usually assisted by an executive council consisting of the seniormost covenanted servants. The Governor-General and the Governors of the Presidencies were as a rule imported direct from home, but other heads were appointed from the covenanted service. On some occasions covenanted servants temporarily acted as Governor-Generals and Presidency Governors also. The Governments at the headquarters were assisted in each case by a Secretariat staff. The Secretariat originated in Bengal from very small beginnings and developed with the increase both in the volume and complexity of administration. The same thing happened in local administrations as well. Although a separate central Government was created in 1833 out of the Bengal Government, the Secretariat organization remained the same for both till 1843. The organisation of Departments and necessarily of the Secretariat under each of the Governments underwent various changes from time to time with exigencies of administration, although the development followed more or less the same lines. For instance, when Hastings first organised the Government of Bengal on a territorial basis in 1772, only one Secretary was appointed as Clerk of the Council together with a Persian translator. Under

Lord Cornwallis, three Sub-Secretaries were appointed for three distinct Departments called Public, Secret and Revenue. In Lord Wellesley's time (1798-1805) several changes were made in Secretariat arrangements. The number of Departments was increased to four, called—(1) Secret, Political and Foreign (with which the Persian Translatorship had been merged); (2) Public; (3) Revenue and Judicial; (4) Military.<sup>1</sup> Each of these was under the charge of a Secretary. The Clerk of the Council came to be styled as the Chief Secretary exercising supervision over all the Departments and the Secretaries. During Lord Bentinck's administration (1828-35), the number of Departments under the Chief Secretary increased to not less than six—(1) Secret and Political, (2) General and Foreign, (3) Military, (4) Judicial, (5) Persian, (6) Territorial. In Lord Auckland's time (1836-42), the office of the Chief Secretary was abolished and the number of Secretaries was reduced to three, but again increased to four, *viz.* (1) Secret, Political, Legislative, Judicial, Revenue; (2) General; (3) Financial; (4) Military. The whole Secretariat was reorganised by Lord Ellenborough upon lines substantially retained throughout the period under review. It was at this time that distinct secretariats were set up for the Governments of Bengal and India. For the central Government he formed four departments, called Home, Finance

<sup>1</sup> After Wellesley some minor changes took place in the departmental and Secretariat organisation. In 1809 the Revenue Department was separated from the Judicial and added to the Financial and Separate.

(*Vide* Letter from Bengal to Court, dated 24 February, 1816, paras. 51-68.)

In 1815 a Secretary to the Government in the Territorial Department was created, the Department comprehending the Financial and the Revenue branches. The latter undertook the salt and opium business so far managed by the Secretary to the Government in the Public Department. The Court in their Public Letter to Bengal, dated 8 April, 1819, disapproved the separation of the Revenue and Judicial Departments and recommended the abolition of the office of the Secretary to the Territorial Department and also the reunion of the two Departments under one Secretary to be assisted by one Assistant Secretary.

Foreign and Military, each under a Secretary, with Assistant and Junior Secretaries. The growth of Railways during Lord Dalhousie's regime led to the creation of another department, *viz.* the Public Works Department. Slowly each Province built up its own Secretariat. Each Province had a number of departments, organised more or less on uniform lines, *e.g.* the Departments of Public Works, Police, Jails, Education, Medical, Forest, etc. Each department was manned by a special staff, subordinate to a chief official at the headquarters. The Member of the Government in charge of a Department was assisted, as now, by a Secretary with one or two Assistant Secretaries with a subordinate staff. The Secretaries were recruited from the senior members of the covenanted service, while the subordinate staff from the uncovenanted branch.

Coming to the service organisation in the interior, the Revenue and Judicial Departments were the most important ones and absorbed the major part of the services. There was no clear-cut separation between the two either, some of the offices combining both revenue and judicial business. The Revenue systems in all the provinces were not organised on uniform lines. The system of Permanent Settlement introduced by Cornwallis in Bengal, although introduced in some new areas like Benares, parts of Oudh and the Northern Circars, was declared unsuitable for other newly acquired territories after detailed investigation carried on in Madras and the Upper Provinces. So except in Bengal and a few areas outside Bengal the system of temporary settlement with variations in tenure was adopted in all other provinces. The land revenue organisation of the different provinces was on the same lines with slight modifications in details. Cornwallis constituted, as we have seen, the Board of Revenue at the Presidency as the final authority in all revenue matters over the whole of Bengal. After the abolition of the Provincial Councils

of Revenue, there ceased to exist any intermediate agency between the central authorities and the Collectors in the districts till 1829. Boards of Revenue were organised for Madras and the North Western Provinces also, as the administration in those provinces was organised and new systems of Settlement adopted. In Bombay instead of a Board there were set up the posts of two Revenue Commissioners acting immediately under the Government. By Regulation III of 1822 three distinct Boards of Revenue were instituted in Bengal,—one for the Lower, one for the Central, and another for the Western Provinces. This innovation was, however, temporary. In 1829 the powers of these local Boards were made over to the newly created Commissioners of Revenue and Circuit, combining revenue, judicial and police functions, who still continue as merely “Commissioners” of Divisions (or regions composed of several districts), in all provinces except Madras. The Collectors were assisted by a subordinate staff of native officials. But as the burden of responsibilities of the district officers increased, the necessity was felt for the creation of a set of responsible native officials to assist the Collectors in their work. For this purpose the office of Deputy Collectors was instituted by Regulation IX of 1833 and of Deputy Magistrates in 1843. The Collector assigned to them duties in connection with settlement operations, superintendence of the management of Khas Mahals and any other part of his duties, and the Deputy Magistrates were to assist the Magistrates in their criminal jurisdiction.

### *District Administration*

Since Cornwallis's time the district came to be the unit of administration and so it has remained to this day; only the number of districts has gone on increasing not

only by the addition of new districts but by the readjustment of boundaries also. After Cornwallis the important officers in the district were the Collector and the Judge-Magistrate. The latter officer not only presided over the civil court of the district but exercised criminal jurisdiction as magistrate, having also control over the police of the district. In point of rank and precedence he was superior to the Collector. Each Judge was assisted by a Register<sup>1</sup> and one or more assistants from the junior men of the covenanted service. The post of Superintendent of Police was instituted for the three Divisions of Calcutta, Dacca and Murshidabad, by Regulation X of 1808 and was extended by another Regulation (VIII of 1810) to the Upper Provinces (Patna, Benares and Bareilly). These officers were to have concurrent jurisdiction with the several Zilah and City Magistrates and to be subject to the authority of the Sudder Criminal Court in all matters relative to the Police and guided by their instructions. These offices were abolished by Regulation I of 1829, their duties being transferred to the Commissioners of Revenue created thereby. The post was again revived in 1837, when by Act XXIV of 1837 the Government was empowered to appoint a Superintendent, and in such case the Commissioner was to cease to exercise any powers in regard to magistracy and police and a single Superintendent of Police was appointed for

<sup>1</sup> The office dates back to 1794, when under a Regulation (VIII of 1794) Zilah and City Judges were empowered to refer to their Registers, usually junior covenanted servants, suits for money or personal property not exceeding 200 sicca rupees and in cases not exceeding the value of Rs. 25 the decision of the Register was deemed final, subject to revision by the Judge. In 1814 the Governor-General in Council was empowered to invest Registers of tried ability in special cases with jurisdiction to try appeals from Munsifs or Sadr. Amins or original suits exceeding Rs. 500 in amount or value as might be referred to them by the Judges (Sec. 9 of Reg. XXIV of 1814). The Register's office was finally abolished in 1831 by Reg. VII of that year.

(*Vide Introduction to the Regulations of the Bengal Code*, by C. D. Field (1912), Ch. IV, pp. 189-91.)



Bengal, with limited jurisdiction, but it was again abolished in 1854.

The system initiated by Cornwallis under which magisterial duties were vested in Zilah and City Judges were soon found to be defective, because it led to terrible congestion of business. The charges of the Judges were too big for a single man to manage and cases went on accumulating, resulting in inordinate delay in dispensing justice. Such delay in justice led to an increase in crimes.<sup>1</sup> So the necessity was early felt for giving relief to these officers by lightening their burden. As early as 1810 a Regulation (XVI of 1810) was passed giving authority to the Government to appoint persons other than the Judges as Magistrates. The Governor-General in Council was authorised to direct in such cases whether the Judge should not exercise a concurrent jurisdiction as Joint Magistrate and to invest the Magistrate of any city or zilah with concurrent authority as Joint Magistrate in any contiguous district and also to appoint an Assistant Magistrate, in any city or zilah, who was to be subordinate to the Magistrate in the district, in the discharge of his official duties. Next, by Regulation IV of 1821 the Governor-General in Council was empowered, whenever it might appear expedient, to invest Collectors of revenue with powers of Magistrates and to entrust Magistrates with the power of collecting revenue. But it does not appear that the provisions of these Regulations were actually much utilised till Bentinck transferred the magisterial jurisdiction of Judges to the Collectors in 1831. Bentinck advocated the measure on still another ground, *viz.* the expediency of creating an authority in the district superior to all others. In a Minute, dated December, 10

<sup>1</sup> *Vide* in this connection Letter from the Court to Bengal, dated 30 March, 1831, dealing with police and the state of crimes in the Lower and Western provinces for 1827-28. It also gives statistics of various crimes from 1818 to 28.

1831, he remarked<sup>1</sup> :—" The recommendation, that I would the most strongly urge upon the Honourable Court is, that they would confirm and persevere in the system long since recommended by them to the Madras Government, upon the authority of Sir Thomas Munro, of uniting the appointments of Collector and Magistrate, of destroying the independence of each other of every officer employed in the same district, of making the Collector's a great office, consisting of deputy collectors and joint magistrates and assistants, subordinate to one head, and acting upon the same system. The public will then be saved from the evils of a continually occurring interregnum, from the succession of perfect strangers to all the concerns of the district."

So the offices of Magistrate and Collector were once again united in 1831. But the Court was not now very happy about the measure, although in 1814 they had advocated such a union.<sup>2</sup> In their Despatch of April 30, 1828, the Court sanctioned the appointment of separate magistrates wherever that arrangement might be absolutely necessary for the due administration of justice, but not in ordinary cases. Now, however, they were prepared to approve the union only in special cases. " We direct," they observed, " that in the existing Zillahs the ordinary European establishment consist of a Judge, a Magistrate and a Collector, each having his proper functions, with the requisite assistants. We do not mean to direct that this arrangement be carried into effect in every Zillah (for it may happen in particular cases that the union of the offices of Collector and Magistrate may be expedient,) but that it be considered as a general rule." The union of the office of the Magistrate with that of the Collector, however, effected in 1831 has continued

<sup>1</sup> *Vide* App. M to Parl. Paper, Vol. IX of 1831-32.

<sup>2</sup> *Vide* Letter from Court to Bengal, dated 1 February, 1832, in App. I. Parl. Paper, Vol. XII of 1831-32.

even to the present day except for a period in Bengal. In 1837 Lord Auckland got the Court to agree to the separation of the two offices as vacancies occurred, and by 1845 the separation was completed in all the districts. Thus in every district three different officers held three distinct charges,—the Judge in charge of administration of justice, the Collector in charge of revenue business and general administration, and the Magistrate in charge of criminal jurisdiction and control of police. The importance of the offices and the seniority of incumbents were also in the order in which they are named above. The Magistrates were appointed from the junior members of the service drawing an annual salary of Rs. 10,800 as compared with that of Rs. 23,000 and Rs. 18,000 respectively enjoyed by the two grades of Collectors. This gave rise to a good deal of debate. Some, like Sir John Peter Grant, upheld the arrangement while others, like Sir Frederick Halliday,<sup>1</sup> Dalhousie and Canning,<sup>2</sup> strongly criticised it and advocated the reunion of the offices, which was ultimately sanctioned by Lord Stanley, the Secretary of State, in his Despatch, dated the 14th of April, 1859, in course of which he directed<sup>3</sup> :—

“(1) That the offices of Magistrate and Collector, where now disunited in Bengal, should be combined in the same person, and that such of the covenanted officers as are now Magistrates, and are not absorbed in the higher office, should be employed as Joint Magistrates and Deputy Collectors, but without any decrease of salary; and (2) that the Joint Magistrate in each district should

<sup>1</sup> Halliday in a Minute written about the year 1838 pointed out that the combination of the duties of apprehending and prosecuting offenders with the judicial is much more objectionable and liable to criticism than the union of the offices of Magistrate and Collector. [Vide in this connection an article *Administration of Criminal Justice in Bengal* in “Calcutta Review,” Vol. VI (1846).]

<sup>2</sup> Vide Lord Canning’s Minute, dated 18 February, 1857.

<sup>3</sup> Vide *Report on the Administration of Bengal*, 1911-12, p. 46.

ordinarily have the superintendence of the police under the general control of the Magistrate."

These orders were quickly carried out and the district officer in Bengal once again became 'the man of all work.'<sup>1</sup> Eight independent Joint Magistracies were created in larger districts for the purpose of coping with crime and dacoity. Bentinck had also created two classes of covenanted officers subordinate to the District officer, viz. (1) Joint Magistrates and (2) Head Assistants. The post of the Joint Magistrate, which was filled by senior covenanted assistants, was created to give relief to the Magistrate and Collector. Latterly Joint Magistrates were given charge of subdivisions under the title of Subdivisional Officers. Assistant and Deputy Magistrates also were later on given charge of newly created subdivisions. In Bengal there were thirty-three subdivisions in all in 1856.<sup>2</sup>

The uncovenanted assistants of the District Officer were known under different designations, e.g. Deputy Collector and Deputy Magistrate in Bengal, Tahsildar in Madras and North-Western Provinces and Mamlatdar in Bombay.

### *Judicial System*

The judicial system as left by Cornwallis practically continued unchanged except in some details till the reforms effected by Bentinck in 1829-31. The system was further extended to the 'ceded' and 'conquered provinces' and

<sup>1</sup> Fitzjames Stephen, in his *Minute on the Administration of Justice in British India* (No. 89 of Selections from the Records of the Government of India, Home Department, 1872), takes the view that the maintenance of the position of District Officers is essential to the maintenance of British rule, and that in order to maintain their position, judicial power in criminal matters must be left in their hands. This, in substance, was the argument of all those who supported the existing arrangement. [Vide C. D. Field, *Regulations of the Bengal Code* (1912), Ch. IV, p. 194(n).]

<sup>2</sup> Vide *District Administration in Bengal, 1818-58*, by Sir H. V. Lovett in 'Cambridge History of India,' Vol. VI, Ch. II.

as the Madras and Bombay Presidencies expanded, the judicial organisation there also was developed more or less on the same lines. Briefly it consisted of—(1) Sudder Dewanny and Nizamut Adawlut (or chief civil and criminal courts), (2) Provincial Courts of Appeal and Circuit presided over by European Judges, (3) twenty-three zilah and three city courts, each presided over by a single judge exercising also magisterial functions together with control over police, assisted by Registers appointed from junior covenanted servants and (4) Native Commissioners for the trial of civil suits, chosen from among the respectable native gentry. In criminal cases Mahomedan law was administered as modified by Regulations and in civil cases both Hindu and Mahomedan law as also the Regulations. Besides these courts, which were the Company's courts, there was the Supreme court at Calcutta which was a Crown's Court administering English law<sup>1</sup> with its jurisdiction limited to Calcutta and to all criminal suits in which European subjects were accused.

So far as the Sudder Courts were concerned, an important change in their constitution was effected by Wellesley in 1801. Under Regulation II of that year, the Sudder Court was to consist of two puisne judges, to be selected from the covenanted servants other than members of the Supreme Council, with such a member as the Chief Judge. The Nizamut Court was to be assisted by the head *Cauzy* and two *Mufties*. The reasons of the change as set forth in the preamble of the Regulation appear to be—(1) congestion of business due to the extension of territorial jurisdiction of the Court to the province of Benares in 1795 and also the preoccupation of the Governor-General and the members of the Supreme Council with various other public duties ;

<sup>1</sup> In Bombay also a Supreme Court was established in 1823 superseding the Recorder's Court.

and (2) the desirability of separating the judicial function from the executive and legislative. "It is essential," the preamble runs, "to the impartial, prompt and efficient administration of justice, and to the permanent security of the persons and properties of the native inhabitants of these provinces, that the Governor-General in Council exercising the supreme legislative and executive authority of the state, should administer judicial functions of Government by the means of courts of justice, distinct from the legislative and executive authority of the State; and...it is important to the honour and stability of the British Government, and to the happiness and prosperity of the native subjects of these provinces, that further provision should be made for the more effectual despatch of the proceedings of the said Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and that the exercise of the judicial functions of this Government should be more distinctly separated from the legislative and executive authority thereof." Thus reconstituted the Sudder Courts continued till their amalgamation with the Supreme Court into the High Court in 1862.<sup>1</sup> In 1831 Courts of Sudder Dewanny and Sudder Nizamut Adawlut were constituted for the Western Provinces, being stationed at Allahabad or any other place fixed by the Governor-General (Reg. VI of 1831).

So far as Provincial Courts and Courts of Circuit were concerned, they remained practically the same as constituted by Cornwallis except for minor changes in their number and size till they were abolished by Bentinck. In 1794

<sup>1</sup> By Reg. X of 1805 it was provided that the Chief Justice of the Sudder Dewanny Adawlut was not to be a member of the Council, but by Reg. XV of 1807 the old arrangement was restored. Under Regulation XXV of 1814 three years' experience as a Judge of the Provincial Court was laid down as a qualification for the office of the Judge of the Sudder Dewanny Court, which was at the same time given original jurisdiction in cases involving Rs. 50,000 or more. By Reg. XII of 1811 it was enacted that these Courts should consist of a Chief Judge and as many associate Judges as the Governor-General in Council might, from time to time, deem necessary for the despatch of business.

provision was made for forming two Courts of Circuit for each division to expedite gaol deliveries. One Court was to consist of a Judge, a Register and the *Kazi*, and the other of a Judge, an Assistant to Register and the *Mufti*, the third Judge remaining at Sudder Station (headquarters) by turn. In 1795 a Provincial Court of Appeal and Court of Circuit was established for the province of Benares. In 1803 another was established at Bareilly. The number of judges in all Provincial Courts was raised to four in 1814 by Regulation V of 1814 and in 1826 the Governor-General in Council was empowered to appoint as many judges as necessary for the despatch of business.<sup>1</sup> By Regulation XXV of 1814 three years' previous service as a Judge or Magistrate or six years' previous experience in civil or criminal judicial work was made a necessary qualification for the office of a judge of a Provincial Court. In 1808 the original civil jurisdiction of Provincial Courts was raised to suits of value exceeding the previous limit of five thousand rupees. In 1829 the powers and authority of the judges of the Provincial Courts in their capacity as Judges of Circuit ceased, being transferred to the newly created Commissioners of Revenue and Circuit.<sup>2</sup> Under provisions of Regulation V of 1831 for the administration of civil justice the Governor-General in Council was empowered to introduce them into any district at their discretion by an order in Council and, from the date fixed in such order, the Provincial Court was to cease to receive original suits and appeals. Finally in 1833 by Regulation II of that year the Governor-General in Council was empowered to abolish any Provincial Court. The power was immediately utilised to abolish the Provincial Courts. With the position of the Zillah Judge-magistrate we shall deal presently in connection with the Bentinck reforms.

<sup>1</sup> Reg. I of 1826 which was abolished by sec. 2, Reg. III of 1829.

<sup>2</sup> Secs. 3 and 5 of Reg. I of 1829.

As regards the Indian members of the judiciary, we have already seen that Cornwallis, in spite of his policy of Europeanising the services, was forced by necessity to introduce native commissioners in 1793, though with very limited jurisdiction. Throughout this period this element in the judicial line consistently increased both in importance and size. New ranks were added, the cadre of each rank was expanded, and increased powers were also given to each rank as days went on. The provisions of Regulation XL of 1793 regarding native commissioners were extended to Benares in 1795. Amins, Salis (arbitrators) and Munsifs with jurisdiction limited to cases of value not exceeding fifty rupees were nominated by the Zilah Judges and approved by the Sudder Dewanny Court usually from the landed aristocracy. In 1803 similar provisions were extended to the ceded provinces and at the same time provision was made by Regulation XLIX of 1803 for constituting a new class of native judiciary, *viz.* Sadr. Amins to try suits for personal property not exceeding in value sicca rupees one hundred or for the property or possession of land or for any description of real property not exceeding in value the same amount, on reference by the Zilah or the City Judge. The nomination was not restricted to the landlord class, but was to be made from "persons of good character and known ability, as well as duly qualified by their education and past employments to discharge satisfactorily the trust reposed in them." Sadr. Amins were to be appointed only in such districts where there was a pressure of work. These officers and also Munsifs were not to be removed from their offices without sufficient cause proved to the satisfaction of the Sudder Dewanny Adawlut. In 1805 Hindu and Mahomedan law officers were declared to be Sadr. Amins by virtue of their office and the Sudder Dewanny Adawlut was empowered to appoint, in addition, two or more Sadr.



Amins, if required, to cope with the congestion of business.<sup>1</sup> In 1810 Zilah and City Judges were empowered to refer appeals from native Commissioners to Sadr. Amins for "investigation and decision." The increase in the pressure of work of the courts during the next decade rendered necessary further measures for the relief of the Zilah and City Judges. Hence in 1821 the number of Munsifs was considerably increased and the jurisdiction of Munsifs and Sadr. Amins was raised to suits involving Rs. 150 and Rs. 500, respectively.<sup>2</sup> The original jurisdiction of Sadr. Amins was further raised to Rs. 1,000 in 1827 and they were for the first time authorised to hear cases in which European British subjects, European foreigners and Americans were parties.<sup>3</sup>

### *Bentinck Reforms*

Important changes were made by Bentinck in the administrative system of Cornwallis. These changes were brought about by two different causes—(1) defects revealed in the working of the system, (2) liberal policy of Bentinck in recognising the claims of Indians, which was to a certain extent stimulated by the shortage of European servants.

So far as (1) is concerned, we have already seen that to give relief to the overworked judges and for the more speedy disposal of justice, Bentinck provided for the transfer of magisterial duties from the Judges to the Collectors.

To institute a more systematic supervision and control of the executive, revenue and police work in the districts, and to improve the administration of criminal justice,

<sup>1</sup> *Vide* Regulation XV of 1805.

<sup>2</sup> Reg. II of 1821.

<sup>3</sup> Regulation IV of 1827. The power to hear such suits was however taken away by Reg. V of 1831, but restored by Act XI of 1836.

Bentinck's Government decided to create a new class of officers styled "Commissioners of Revenue and Circuit."<sup>1</sup>

Having reasons to apprehend the unsatisfactory nature of the control exercised over the executive revenue officers, the Governor-General directed the Secretary in the Territorial Department to report fully on the subject. The arrangement suggested in the Secretary's report corresponded in principle with the plan of a principal, with Subordinate Collectors such as was existing in the Madras Presidency, in the ceded districts, under Sir Thomas Munro, which had proved eminently successful.

In the opinion of the Governor-General there was advantage in keeping more distinct the controlling and the executive authorities, and further, the administration of civil and criminal justice, if not a complete failure, was so defective and inefficient as to demand serious attention. Both the Government and the Court agreed that the system then existing for the superintendence and control of the executive and fiscal authorities was far from satisfactory. Holt Mackenzie, the Territorial Secretary, in his Report observed :—" As recently expressed to me by a very intelligent officer, the vast majority of the Collector's acts, whether good or bad, ' is absolutely unknown both to the Board and the Government, and what does appear before them may, for aught they know, be either the result of the most laborious research, or of no research at all, but compiled by native officers, saving their European superiors all trouble but that of signature.' With the best possible system of control, indeed, it would be vain to hope for anything like the full truth.....But if we wish to come at all near it, we must compel our Collectors to master all the details of the work done by their subordinates,

<sup>1</sup> *Vide* Letter from Bengal to Court, dated 10 December, 1828, in App. III to Parl. Paper, Vol. XII of 1831-32.

and to authenticate what they do by an actual trial and by a real appeal to the parties interested. . . . . For the above purposes, we must have a controlling authority of corresponding energy, and (as far as the difference in extent of jurisdiction allows) equally accessible to the people."

"If we would really establish an efficient system of control, the controlling and executive authorities should be kept distinct."

He thus advocated the idea of setting up individual officers in place of the existing Boards with purely supervising and controlling authority over Collectors in a few districts. The members of the Government, Mr. W. B. Bayley and Sir Charles Metcalfe also concurred in the plan with some suggestions of their own.<sup>1</sup> In the letter to the Court on the subject<sup>2</sup> of December 10, 1828, referred to above, Bentinck and his Government formulated their proposals on the subject. The remedy of the state of affairs then prevailing was, in their opinion, "to employ a considerable number of revenue commissioners vested with a controlling authority, each over a moderate tract of country and acting intermediately between the Collectors of districts and a general Board stationed at the Presidency." To secure effective supervision of executive officers and the due administration of justice, it was proposed to employ the same agency in superintending the Police and administering criminal justice under the authority of the Nizamut Adawlut. For this purpose the Commissioners were to be vested with the powers so long exercised by the Courts of Circuit. No change was proposed in regard to the position and powers of the district officers or the courts of civil justice beyond the separation of the

<sup>1</sup> *Vide* Bentinck's Minute and Holt Mackenzie's Report on the subject and also Minutes of W. B. Bayley and Sir Charles Metcalfe on the subject in App. III P. P., Vol. XII of 1831-32.

<sup>2</sup> *Ibid.*

criminal and civil jurisdiction of the provincial courts except in a few districts. It was proposed at the same time to abolish the office of the Superintendent of Police. The proposed arrangements of the Government of India were embodied in a Resolution<sup>1</sup> setting forth in detail the reasons therefor. The possible objection to combining in the same officers revenue duties and criminal jurisdiction was thus met in the Resolution:—"In both capacities the Commissioners will act as deliberative functionaries, entirely free from the haste and passion which may be supposed occasionally to influence the executive. In neither can they have objects to carry in the one Department through any perversion of their powers in the other. The proposed arrangement leaving untouched the jurisdiction of the civil courts does not break down any of the barriers which have been supposed to be necessary or useful for the protection of the people against the errors of the Revenue authorities." Far from being objectionable the arrangement was expedient and desirable, because the acquaintance with local conditions gained in connection with revenue business would stand them in good stead in exercising their criminal jurisdiction and control over the police. "In all cases" it was observed, "control without knowledge must be nugatory or mischievous, and while the proposed arrangement appears to involve no consequence likely to prove injurious, it has a manifest tendency to ensure the possession, by the controlling officers of that local information which is essential to their efficiency....." The proposals were given effect to by Regulation I of 1829. By its provisions the Provinces were formed into twenty regions to each of which a Commissioner of Revenue and Circuit was appointed. They were vested with the authority of the Judges of Circuit, the Provincial Courts being relieved

<sup>1</sup> App. III to P. P., Vol. XII of 1831-32, pp. 440-47.

of their criminal jurisdiction<sup>1</sup> and were to hold sessions at the stations of the several Magistrates not less than twice a year in each district. The Mahomedan law officers of any Zillah within the division or of any Provincial Court were to attend the sessions.

The remainder of the Regulation relates to the arrangement of the local divisions and to the revenue authority to be exercised by the Commissioners. The object of passing the Regulation has been so clearly stated in its preamble that it would be perhaps worth while quoting certain excerpts from it. It runs :—"The system in operation for superintending the magistracy and the police, and for controlling and directing the executive revenue officers, who in several cases are also magistrates, has been found to be defective. The Provincial Courts of Appeal and Circuit, as now constituted, partly from the extent of country placed under their authority, and partly from their having to discharge the duties of both civil and criminal tribunals, have in many cases failed to afford that prompt administration of justice which it is the duty of Government to secure to the people. The gaol deliveries have been, in some instances, delayed beyond the term prescribed by law,.....and a great arrear of cases under appeal has accrued in all the Courts, to the manifest injury of many individuals and to the encouragement of litigation and crime. The Judges of Circuit, when employed singly in the districts under their authority, do not possess sufficient powers, nor have they the opportunity of acquiring sufficient local knowledge to enable them adequately to control the police or protect the people. The great extent of country under each of the Boards of Revenue has

<sup>1</sup> It may be noted that the Provincial Courts were shortly after altogether abolished in Bengal, their civil jurisdiction being transferred to Zillah Judges, (Reg. V of 1831 and Reg. II of 1833). In the Presidency of Madras the same step was taken in 1843 by Act VII of 1843.

similarly operated to impede them in the execution of the duties which belong to them, .....as directors and superintendents over the executive officers, and as the confidential advisers of Government. For the correction of the above defects, it has appeared to be expedient and necessary to place the magistracy and police, and the Collectors and other executive revenue officers, under the superintendence and control of Commissioners of Revenue and Circuit, each vested with the charge of such a moderate tract of country as may enable them to be easy of access to the people, and frequently to visit the different parts of their respective jurisdictions.”

To come now to the lower branch of the judiciary mainly manned by Indians, we have already reviewed the steps by which they were increasingly admitted and their powers enlarged by the force of necessity as well as a change in outlook of the authorities on the question of employment of natives. Bentinck, particularly, actuated by this liberal spirit gave an additional stimulus to this movement. We have seen already that the policy of replacing a European agency by Indians subject to European supervision, specially in the judicial line, was accepted as much from a motive of reposing greater trust in natives as from helping the economy campaign of Government.<sup>1</sup> By a Regulation passed in 1831 (V of 1831) Bentinck effected material changes in regard to the native judiciary, by further enlarging the powers of the existing classes and also creating a new class called the Principal Sadr. Amins in place of the European Registers. The reasons for passing the Regulation have been set forth in detail in the Preamble as follows :—

“Whereas the state of civil business in the Zillah and City courts renders it desirable on general

<sup>1</sup> See in this connection Minute of H. Mackenzie, dated 1 October, 1830, and extract from a Letter from the Calcutta Civil Finance Committee to the Governor.

grounds to employ respectable natives in more important trusts, connected with the administration of the country ; and whereas it is expedient that the provisions for this purpose should be gradually introduced into the Zillahs and Cities from time to time as the Governor-General in Council, by an order in Council, may be pleased to direct, and whereas it has become necessary, in connexion with those arrangements, to modify the powers and duties of the Zillah, City and Provincial courts ; and whereas it has been deemed just and proper that no native of India should be considered ineligible to the office of moonsif or vakeel on account of his religious belief, etc. etc..... ”.

The jurisdiction of both Munsifs and Sadr. Amins was further enlarged, extending to cases involving suits of the value of Rupees three hundred and one thousand respectively. It was provided that Munsifs were to be paid by fixed salaries instead of by fees on the cases disposed of, as before. The mode of selection of Munsifs and Sadr. Amins who were so far appointed by the Judges of the Provincial Courts was also changed. The Judges of Zillah and City Courts in conjunction with the Commissioners of Revenue and Circuit were authorised to revise the existing establishment of the Munsifs and Sadr. Amins, the actual selection being made by the Governor-General in Council. Law officers of the Zillah and City courts were no longer to be Sadr. Amins *ex-officio*. A new office styled Principal Sadr. Amin was created. The Governor-General in Council was authorised to appoint Principal Sadr. Amins to any Zillah or City jurisdiction, the persons selected for the office

being also appointed by the Governor-General in Council. Their monthly allowance was fixed by the same authority. Their jurisdiction was limited to cases involving the money value of rupees five thousand.<sup>1</sup> The jurisdiction of the Provincial Court was to be suspended wherever the Regulation was extended. The decision of Zilah or City judges on appeals from the Sadr. Amins or Munsifs was to be final and in case of the Principal Sadr. Amins a further appeal was to lie with the Sudder Court. Sadr. Amins and Principal Sadr. Amins could be removed by the Governor-General in Council and Munsifs by the Sudder Dewanny Adawlut on a report made by the Zilah or City judge concurrently with the Commissioner of Revenue and Circuit, submitted through the Secretary to the Judicial Department. The jurisdiction of the Zilah and City judges was further increased in 1831, the Governor-General in Council being authorised by Regulation VII of that year to vest sessions jurisdictions, previously exercised by the Commissioners of Revenue and Circuit, in those officers. This was done with a view to giving relief to the Commissioners, who were overburdened with work. The judges were not given any authority over the magistrates or any control over the police. The effect of the changes in the judicial system made by Bentinck in 1831 was practically to vest all original jurisdiction in civil cases in the native judiciary—who formed, so to say, the nucleus of the modern provincial services, the covenanted European members mainly exercising powers of supervision, review and control over them.<sup>2</sup> Bentinck's measures were very much appreciated by the people. The judiciary in the other provinces was also organised on the same lines.

<sup>1</sup> By Act XXV of 1837, Judges were empowered to refer to Principal Sadr. Amins original suits of any amount or value. The office was abolished in 1868 (Act XVI of 1868), being succeeded by that of "Subordinate Judge."

<sup>2</sup> *Vide* evidence of J. C. Marshman, dated 25 April, 1853, before Parliamentary Committee (reply to Q. 3532), P. P., XXVII of 1852-53.



During the rest of the period under review the administrative system continued very much the same as left by Bentinck." We may conclude the chapter by sketching in outline the structure of judicial, revenue and executive administration as it stood towards the end of the period. At the head of the judicial system in the provinces stood the Sudder Court in two divisions,—Civil (Dewanny) and Criminal (Nizamut), composed of the Company's civil servants. In Calcutta it usually consisted of four members including the chairman. As the chief civil court it exercised both powers of general supervision and control over the proceedings of the local courts and also appellate jurisdiction. It was the final court of appeal except in cases involving more than the amount of ten thousand rupees, in respect of which an appeal lay to the Queen in Council. Next there was the Zillah judge in charge of a district, the unit of administration in British India, of varying size in respect of territory and population. He was a European recruited from the covenanted branch of the civil service, exercising both civil and criminal jurisdiction, and in the latter capacity dealing with sessions cases. The Collector's jurisdiction was usually coterminous with that of the Judge. Except in Bengal up to 1859, the Collector combined with his fiscal duties also criminal jurisdiction as magistrate. His criminal jurisdiction was of course limited to less important cases. In more serious offences he was to commit offenders to the Sessions Judge. Even in his fiscal duties his function was quasi-judicial in character. He decided questions as to the nature of land tenures, involving rights of property, disputed possession, realisation of rents, grant of *pattahs* or leases, etc. In fact most of the cases relating to personal and real property disposed of by judges originated with the Collectors. Besides these the Collector exercised general control over the police within his district. Next

after the Zilah judge there were different grades of native judges—Principal Sadr. Amins, Sadr. Amins and Munsifs. The limit of jurisdiction of the Munsif's authority varied in different parts. In Bengal, as we have seen, it extended to cases involving three hundred rupees, the Sadr. Amin's to one thousand rupees, and the Principal Sadr. Amin's was unlimited. In Madras the limit of the Munsif's jurisdiction was fixed as high as one thousand rupees, the Sadr. Amin's to rupees two thousand five hundred and the Principal Sadr. Amin's to cases involving not more than ten thousand rupees. But in spite of such variations in detail the general constitution and operation of the courts was the same everywhere.

So far as the criminal judicature was concerned the same Sudder Court operated as the chief criminal court with a different designation, *viz.* Sudder Nizamut Adawlut. Below it there was the Zilah Judge. While exercising sessions jurisdiction, he had authority to deal with all cases excepting those involving capital sentences which were to be submitted to the Nizamut Adawlut for confirmation. Next came the Magistrate who was the same officer as the Collector, except in Bengal, exercising a limited jurisdiction, varying in different provinces, cases involving more serious offences being committed to sessions for trial. In some cases considerable jurisdiction was exercised by uncovenanted Indian officers as assistants to magistrates. In Bengal they were called Deputy Magistrates, which office was created in 1843, the senior members among whom exercised all the jurisdiction of the magistrate.

On the revenue side also the district was the unit of administration, and both in the permanently and temporarily settled provinces the Collector was the officer in charge of both revenue settlement and collection. He was assisted by uncovenanted native servants such as Deputy Collectors

in Bengal, Tahsildars in the N.W.P., and Mamlatdars in Bombay. Above the Collectors there were the Commissioners of revenue, except in the Presidency of Madras, and at the top of the system there was the Board of Revenue at the headquarters, except in Bombay, where there were two Revenue Commissioners working independently under the Government. Revenue and Judicial were the most important Departments, but new departments were being created as the functions of Government developed, such as Departments of Public Works, Education and so on. All branches of administration were, however, under the direction and control of the Governor-General, Governor or Lieutenant Governor as the case might be, usually assisted by a Council and a secretariat staff. All the threads of administration, then as now, were gathered up in the headquarters. This in outline was the organisation of administration in this period.

Taking a broad survey of the period as a whole we may say that it forms, as it were, a connecting link between two distinct epochs in the history of the civil service in India, characterised by marked differences,—the previous epoch when it was mainly a commercial service, and the following epoch in which it became a regular civil service in the accepted sense of the term. We find, therefore, in the administrative organisation of this period traces of the commercial origin of the service and also all the features of the service organisation of the next period. Profit-making was the keynote of the previous epoch and public welfare of the next, while in this period we find a slow and gradual process of the supplanting of the one by the other. This finds institutional expression, as we have already seen, in the changes in the system of recruitment of the covenanted civil service and secondly, in the progressive introduction of Indians in the services, with provision for their equipment for undertaking those responsibilities.

## NOTE A

*Statement showing the British territories in India towards the end of the period under each Government<sup>1</sup>*

(indicating the areas under Regulation and Non-Regulation systems and their respective importance)

*Under Supreme Government*

Non-Regulation provinces	Area in sq. miles	Population	Number of districts	Land revenue in £ at 2s. per rupee
Punjab, including Jullundur, & Cis-Sutlej territory	83,006	80,09,000	22	15,05,213
Saugor, Nerbudda, and part of Bundelcund	17,513	21,13,599	8	3,00,000
Total	1,00,519	1,01,13,599	30	18,05,213

*Under the Government of Bengal*

Regulation provinces Bengal, Behar, Orissa	1,13,702	3,68,18,981	31	35,06,070
Non-Regulation provinces	1,11,401	42,15,344	16	No separate returns
Total	2,25,103	4,10,94,325	50	35,06,070

*Under the Government of the N. W. P.*

Regulation provinces	71,972	2,31,99,668	31	40,17,766
Non-Regulation provinces	13,599	6,00,881	4	74,800
Total	85,571	2,38,00,549	35	41,22,566

*Under the Government of Madras*

Regulation provinces	1,19,946	1,46,12,206	18	34,79,487
Non-Regulation provinces	24,943	17,27,220	3	
Total	1,44,889	1,63,39,426	21	34,79,487

*Under the Government of Bombay*

Regulation provinces	57,405	81,51,048	13	22,90,969
Non-Regulation provinces excluding Scinde	10,540	10,59,224	1	
Scinde	52,120	12,74,744	3	No separate returns
Total	1,20,065	1,04,85,017 ( ? )	17	22,90,969

Grand total of British territories in India	6,76,177	10,18,62,916	53	1,52,04,055
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<sup>1</sup> Reproduced from *Modern India*, by Sir George Campbell, (1852) Ch. VI, pp. 230-31.

## NOTE B

An idea of the designations of officers in the Company's civil service in different Departments in the first quarter of the 19th century as also of their scale of salaries will be gathered from the following table.<sup>1</sup>

*Schedule (A) Judicial & Judicial Fiscal*

Offices	Present salaries Sonat Rs.	Proposed salaries St. Rs.	Proposed less St. Rs.	Proposed more
S. D. Adawlut : each :				
5 Judges . . . at 5,220	2,92,600	2,61,000	31,600	..
<i>Judges of Provincial Courts</i>				
14 Judges . . . at 36,000	5,92,456	5,04,000	88,456	..
Register of S. D. & S. Niz. Adawlut	25,080	37,200	..	12,120
Deputy . . . . .	16,302	14,400	1,902	..
21 Commissioners of Revenue & Circuit at 42,000	8,94,483	8,82,000	12,483	..
10 Judges at 30,000	2,83,636	3,00,000	..	16,370
36 Judges and Magistrates at 30,000	10,68,075	10,80,000	..	11,925
7 Magistrates	1,37,856	1,34,400	3,456	..
47 Registrars including vacancies, at 8,400 & 6,000	3,78,939	3,94,800	..	15,861
10 Jt. Magistrates, also Registrars as now, subject to revision	1,30,980	1,27,200	3,780	..
8 Principal Assistants, including 2 vacancies, at 30,000	1,81,930	2,40,000	..	58,070
Commissioner in Kumaon	31,640	30,000	1,640	..
Asstt. Commissioner in Kumaon	18,810	8,400	10,410	..
Ramghur Judge, Magistrate & Collector	37,620	36,000	1,620	..
1 Register & Assistant	12,540	12,000	540	..
1 Collector & Magistrate of Calcutta	43,350	36,000	7,350	..
3 Collectors and Magistrates	79,125	90,000	..	10,875
4 Sub-Collectors & Jt. Magistrates as now, subject to revision	78,117	77,307	810	..
1 Superintendent & Remembrancer of Law-suits	25,080	24,000	1,080	..
1 Head Assistant, S. D. Adawlut	10,032	8,400	1,632	..
1 Second Assistant, S. D. Adawlut	8,778	7,200	1,578	..
1 Third Assistant, S. D. Adawlut	7,524	6,000	1,524	..
24 Assistants at 4,800	1,21,596	1,15,200	6,396	..
	44,76,551	44,25,507	1,76,265	1,25,221

<sup>1</sup> Compiled from Schedules to the Resolution of the Governor-General in Council (Territorial Dept.), dated the 17th of February, 1829, proposing a revision of allowances of covenanted civil servants. (App. M to P. P., Vol. IX of 1831-82.)

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**NOTE B (Contd.)**

*Schedule (B) Fiscal*

Offices	Present salaries St. Rs.	Proposed salaries St. Rs.	Proposed less St. Rs.	Proposed more St. Rs.
3 Members of Bd. of Revenue at 52,200	1,71,950	1,56,600	18,350	..
Senior Secretary	25,143	37,200	..	12,057
Junior Secretary	30,773	31,200	..	427
Sub Secretary	10,032	14,400	..	4,368
Head Assistant Secretary	6,270	8,100	..	2,130
*3 Commissioners under Reg. III of 1828 at 45,000	1,30,823	1,35,000	..	4,177
2 Members—Board of Customs at 52,000	1,09,725	1,04,100	5,325	
1 Secretary	25,080	31,200	..	6,120
Head Assistant in charge of Salt Chokees	15,048	14,100	618	
Second Assistant in charge of Salt, with Chokees & Stamps	10,659	8,100	2,259	
Opium agent at Behar	52,013	42,000	10,013	
Opium agent at Benares, an equal sum to be drawn as Commercial Resident	48,334	24,000	24,334	
2 Salt Agents, Tumlook & Hidglee, at 50,000	1,54,880	1,00,000	54,880	
1 Salt Agent, Jessore	27,856	30,000	..	2,144
6 Salt Agents & Collectors at 36,000	2,18,514	2,16,000	2,514	
48 Collectors, including those in charge of Customs, Salt Chokees & Opium Agents & also Collectors of Customs at 30,000	14,70,126	14,40,000	30,126	
7 Dy. & Sub Collectors, including Customs at 12,000	94,332	84,000	10,332	
Superintendent of Sulkea Golas	37,620	30,000	7,620	
1 Superintendent of Eastern Salt Chokees	19,964	19,200	764	
Collector of Calcutta Sea Customs	51,832	42,000	9,832	
1 Dy. Collector of Calcutta Sea Customs	23,826	20,400	3,426	
1 Head Assistant to Collector of Calcutta Sea Customs	12,540	12,000	540	
Collectors of Inland Customs	28,215	31,200	..	2,985
1 Dy. Collector Inland Customs	17,556	16,880	756	
1 Collector of Customs at Moorshedabad	37,583	30,000	7,583	
1 Commissioner Sunderbans	23,967	30,000	..	6,033
13 Assistants in Revenue & Salt departments at 4,800	80,376	62,400	17,976	
<b>Total</b>	<b>20,38,037</b>	<b>27,71,200</b>	<b>2,07,278</b>	<b>40,441</b>

\*Second Asstt. to Sudder Board not included

.. St. Rs. 6,000

## NOTE B (Contd.)

*Schedule (D) Commercial*

Offices	Present salaries St. Rs.	Proposed salaries St. Rs.	Proposed less St. Rs.	Proposed more St. Rs.
Board of Trade				
Senior Member	57,475	52,200	5,275	..
Junior Member	45,043	52,200	..	7,157
1 Secretary	25,080	25,200	..	120
1 Assistant	5,102	6,000	..	898
13 Commercial Residents				
Benares	46,639	24,000	22,639	..
Cosimbazar	50,160	48,000	2,160	..
Etawa & Calpee	74,423	48,000	26,423	..
Bauleah	48,456	36,000	12,456	..
Malda	40,404	36,000	4,404	..
Radnagore	38,063	36,000	2,063	..
Commercolly	34,570	30,000	4,570	..
Hurripaul	25,766	30,000	..	4,234
Jungipore	30,463	30,000	463	..
Rungpore	22,637	30,000	..	7,363
Santipur and Goagow	42,351	30,000	12,351	..
Soonamooky	29,064	30,000	..	936
Surdah	31,297	30,000	1,297	..
2 Assistants				
Bauleah	10,032	9,600	432	..
Benares	10,032	9,600	432	..
Sub Export Ware-house keeper	63,800	42,000	21,800	..
Head Asstt. Ware-house keeper	24,935	18,000	6,935	..
Second Asstt. Ware-house keeper	12,257	9,657	2,657	..
Import Ware-house keeper	15,048	..	15,048	..
Total	7,83,097	6,62,400	1,41,405	26,708

## CHAPTER IX

### CONCLUSION

From the angle of constitutional and administrative development the Company's association with India falls into three markedly distinct periods :—

1. 1600-1757, in which the Company is a commercial corporation, pure and simple ;

2. 1757-1833, in which the Company becomes a quasi-public corporation ;

3. 1833-1858, in which the Company is a purely ruling organisation. The change in the character of the Company during these periods corresponds with a similar change in the character of its civil servants. In the first period, they were almost purely mercantile servants, as their designations implied. In the second period they became a mixed body of servants with a semi-public character, and in the third they became a public service in the full sense of the term. The administrative organisation underwent transformation to adjust itself to new conditions, characterised by all the anomalies and halting steps of a process of transition. This is amply illustrated by the efforts of Hastings and Cornwallis in building up the machinery of administration, dealt with in detail in the text. The relationship of the Company with the Home Government also underwent a change, beginning with the Regulating Act of 1773 and ending with the Charter Act of 1853. It was a process of tightening up of the control of the Home Government over the Company—characterised on the one side, by a distrust of the capacity of a commercial corporation, while carrying on a trade monopoly,



to undertake the growing political responsibility for a fast expanding dominion, and on the other side, by the natural reluctance to part with powers acquired and a desire to exploit territorial acquisitions to add to commercial profits. In this tussle, although the Company had to lose, gradually and consistently, its powers in favour of the Government, it held fast, however, to the last, to its much valued power of patronage, with all its evil effects, on the composition of the service. Of course, as we have pointed out, the Company's service counted in its ranks many distinguished and able men, who would do honour to any service, but they were exceptions rather than the rule. They did not emerge as a result of the system of patronage, but in spite of it. At last, however, the Company had to surrender this last rampart also.

The commercial monopoly of the Company was assailed quite early in its history and was practically ended in 1813, soon after to be followed by the cessation of commercial functions altogether. This was brought about by the attitude of the Home Government and public opinion at home as also by contemporary conditions, *e.g.* a clamour for a share in the India trade on the part of the British commercial interests, stimulated by the effects of the Industrial Revolution to an increasing demand for markets combined with the practical closing of the European market due to the Napoleonic wars. But even in the absence of these factors it would have come through sheer necessity. The burdens of an extensive empire and expanding commerce were sooner or later sure to prove too much for a commercial corporation. So the Company had at last to abandon commerce as a price for retaining its territorial sovereignty, subject, of course, to the increasing interference of the Home Government.

The third period ushered in a new era in the history of the Company and its service. With the passing away

of its commercial function, and even before, the commercial spirit which was so much in evidence in the operations of the Company in the first two periods was definitely on the wane. Particularly, since the Company had been established as the paramount political power in India by the policy of expansion followed by Wellesley and Lord Hastings, a sense of responsibility for the welfare of the people in all its aspects was gaining ground among the Anglo-Indian administrators as also among the British public. So far as the latter is concerned it is reflected in the attitude of the Select Committees of the House of Commons appointed in 1812 and 1832 to enquire into Indian affairs. To the former the aim of British rule appeared to be :—

“ To establish the system of administration best calculated to promote the confidence and conciliate the feelings of the native inhabitants, not less by a respect for their own institutions, than by the endeavour gradually to engraft upon them such improvements as might shield, under the safeguard of equal laws, every class of people from the oppressions of power, and communicate to them that sense of protection and assurance of justice, which is the efficient spring of all public prosperity and happiness.”

The Parliamentary Committee of 1832 also evinces a similar solicitude for the interests of the natives. In particular it made a strong advocacy for the admission of Indians into higher offices as being calculated to “ strengthen their attachment to British dominion,” to “ conduce to a better administration of justice ” and to “ be productive of a great saving in the expenses of Indian government.” The Committee also recognised it as :—

“ an indisputable principle, that the interests of the Native subjects are to be consulted in preference to

those of Europeans, whenever the two come in competition; and that therefore the Laws ought to be adapted rather to the feelings and habits of the Natives than to those of Europeans.”<sup>1</sup>

The allotment of an annual grant of a lakh of rupees by Parliament in 1813 “for the introduction and promotion of a knowledge of the sciences among the inhabitants of the British territories in India” also points in the same direction. The same enlightened spirit is also visible in a group of distinguished civil servants serving under the Company in the twenties of the last century, among whom the following stand out as pre-eminent for their progressive views and breadth of outlook on Indian problems—we mean, Mountstuart Elphinstone, Sir Thomas Munro, Sir John Malcolm and Sir Charles Metcalfe. They approached the Indian problem from a new angle. They seem to have taken the view that now that the Company had come to be established as the supreme power in India, they must assume the full responsibility of that position and consolidate their empire on the basis of the amelioration of the conditions of the people. This spirit of enlightened imperialism can be traced even in the writings of the Wellesley brothers and of Bentinck as the Governor of Madras at the opening of the century. The latter hinted in 1804 that mere dominion and power was not the goal, but the increasing prosperity, union and self-respect of the people of India should be the ultimate justification of British power in India. He pleaded for a policy of founding “British greatness upon Indian happiness.” Very much the same sentiments find expression in the writings of many other Indian administrators of the period. We quote here a few. Lord Hastings observes

<sup>1</sup> *Vide* extract from the Report of the Committee of Parliament, 1833, quoted in R. Muir, *The Making of British India*, (1923) p. 305.

with reference to the need of spreading western education in India as follows :—

“ A time, not very remote, will arrive when England will, on sound principles of policy, wish to relinquish the domination which she has gradually . . . . . assumed over this country.”<sup>1</sup>

Sir Thomas Munro dwelling on the ultimate problem of British rule in India, observes<sup>2</sup> :—

“ There is one great question to which we should look in all our arrangements : what is to be their final result on the character of the people ? Is it to be raised, or is it to be lowered ? Are we to be satisfied with merely securing our power and protecting the inhabitants, leaving them to sink gradually in character lower than at present ; or are we to endeavour to raise their character, and to render them worthy of filling higher situations in the management of their country, and of devising plans for its improvement ? It ought undoubtedly to be our aim to raise the minds of the natives, and to take care that whenever our connection with India might cease, it did not appear that the only fruit of our dominion there had been to leave the people more abject and less able to govern themselves than when we found them . . . . .

We should look upon India, not as a temporary possession, but one which is to be maintained permanently, until the natives shall in some future age have abandoned most of their superstitions and prejudices, and become sufficiently enlightened, to frame a regular government for themselves, and to

<sup>1</sup> H. H. Dodwell, “ *India* ” (Part II) (1858 to 1936 ), (1936) Ch. VII, p. 191.

<sup>2</sup> Extract from a Minute by Sir Thomas Munro, as Governor of Madras, dated 31 December, 1824, quoted in R. Muir, *op. cit.*, p. 283.

conduct and preserve it. Whenever such a time shall arrive, it will probably be best for both countries that the British control over India should be gradually withdrawn."

Mountstuart Elphinstone, as Governor of Bombay in a Minute written in March, 1824, stressed the need for an educational system as the only solvent of the prevailing evils among the Indian people. Sir John Malcolm very strongly sponsored the case for admission of upper classes of Indians as much as possible in the participation of the government of their country in the interest of the stability of British rule. We may also quote here another Englishman not directly connected with Indian administration but having first-hand experience of it, one Sir. Alexander Johnston. He writes <sup>1</sup> :—

"The best policy which Great Britain can pursue in order to retain her possessions in India, is to raise the moral and political character of the natives, to give them a share in every department of the state, to introduce amongst them the arts, sciences, and literature of Europe, and to secure to them, by a legislative act, a free constitution of government, adapted to the situation of the country and the manners of the people."

With this view he proposed (a) the introduction of a system of education based upon this policy, (b) free access of natives to all civil offices, (c) discussion of all laws before enactment in assemblies representative of all classes of natives and also many other measures affecting the welfare of Indians. A similar attitude towards the Indian possessions

<sup>1</sup> Paper sent by Sir Alexander Johnston, in 1806 from the island of Ceylon to the late Mr. Charles Fox, in consequence of the latter having requested Sir Alexander to send him his opinion upon different subjects relating to India (tendered with his evidence before the Parl. Select Committee on 6 & 9 July, 1832. *Vide* Parl. Paper, XII of 1832-33).

of the Company was visible in England also, particularly traceable in the Parliamentary legislation of 1833, and in the findings of the Parliamentary Committee of 1832 referred to above. It was perhaps prompted by the ascendancy at the time of Whig principles in politics and the political philosophy of the Philosophical Radicals. The Company was no longer viewed as simply a means of bringing wealth and profit to England, but to exist for the welfare of the people over whom it ruled. At the Parliamentary Committee of 1832, even a talk of the immediate transfer of responsibility to the Crown was raised, though ultimately abandoned. This distinct change of outlook had its effect on the direction of administrative policy as well, indicating the end of the era of conquest and the beginning of a period of consolidation and penetration. Bentinck in all his reform measures—social and administrative—was actuated by the new spirit as was also Dalhousie after him, although the latter at the same time pursued a vigorous policy of annexation. In that policy also he was, rightly or wrongly, inspired by the belief that peace and happiness could come to the people of India only through the establishment of the *Pax Britannica*. In the sphere of administration, the principle of exclusion of Indians, pursued since Cornwallis's time, was systematically abandoned and that of admitting Indians even into superior offices, in so far as it was consistent with considerations of safety and expediency, was adopted. It was of course dictated by financial considerations also.

In spite of this welcome change in outlook, however, one thing that prevented its full fruition is the fact that the Company's administration was throughout characterised by a lack of imaginative insight and careful planning. This may perhaps be accounted for by two facts:—

(1) Neither the Directors, the Board of Control, Parliament nor the British public had any direct touch

with conditions in India or any clear grasp of the problems confronting the administration, and (2) the actual handling of the problems devolved upon the heads of administration and the civil service. The influence of the heads of administration, if endowed with personality like Bentinck or Dalhousie, left no doubt a mark on the course of administration, but its effect was only temporary in character. The civil service, in the absence of a regular organ of criticism and control, grew up to be a bureaucracy with all its virtues and vices. Moreover, the working of the patronage system had the effect of keeping down the average level of ability and resulted in a general prevalence of mediocrity in the service. It did not tackle major problems unless these were forced upon it, so much engrossed was it with the technique and minutiae of administration, and when it did, it did so in an opportunistic way. We may, by way of illustration, cite just a few instances. Thus the problem of education of natives and their employment in public service was long recognised and their necessity accepted in principle. But they were not systematically handled according to a well thought-out plan for a long time. It took many years to decide whether education should be imparted on western or indigenous lines and many more years to formulate a scheme of education. This was also done without much prevision as is evidenced by the defects of the system at the present day—appalling illiteracy, cleavage between the educated classes and the masses, middle class unemployment, etc.<sup>1</sup> Similarly the principle of employment of natives in increasing numbers was accepted out of sheer necessity, but not systematically tackled until as a result of pressure from the

<sup>1</sup> A very interesting and illuminating and at the same time critical study of British educational policy in India from 1835 to 1920 will be found in *The Education of India*, by Arthur Mayhew (1936).

intelligentsia, reared in western education and western ideas of government. The fact is that although the Company now formally cast off its commercial rôle and with that there came about a welcome change in its outlook, it had inherited a legacy of commercial tradition from the previous period. That explains its putting greater emphasis on the technique of administration rather than on human values,—on good government, rather than self-government. The Company's service handed down the same tradition from generation to generation. In course of time it grew up to be a fine bureaucracy able to keep the machine going, but lacking initiative and the imagination necessary to deal with changing situations and new problems.

The Company's administration came to a close after the disaster of the Sepoy Mutiny in 1857. The direct assumption of the responsibility for administration of the Indian territories by the Crown in 1858, marks a turning-point in the history of the Indian people as much as of the Civil Service in India. It signifies the end of one epoch and the beginning of another. So it offers a convenient vantage ground and an observation post from where to look back on the process of development of the Civil Service that we have traced in the last few chapters before we begin to deal with its development in the next epoch. It is not our purpose to go over the ground that we have already covered, but to offer our judgment on the process as a whole in a few words. To those who study carefully the history of the service during this period, it will appear as a picture of light and shade. There have been periods of corruption and misrule, but also periods of progressive administration. The members of the service were influenced no doubt by the spirit of the times, by ideas and movements from the West, but not to the extent which could be expected, having regard to the



fact that the rulers came from the West. For currents of contemporary opinion and ideas did not galvanize a distant governing authority steeped in a commercial tradition even to the small extent to which they influenced the Government in England during the greater part of the nineteenth century.

## APPENDIX A

### FORM OF BONDS GIVEN BY THE FACTORS FOR THE THIRD AND SUBSEQUENT VOYAGES (JANUARY, 1606-07)<sup>1</sup>

The condicion of this obligacon is such that whereas upon the spetiall request and intreatie of the above bound A.B. the Goverñor and Companie of the merchants of London tradinge into the East Indies have interteyned him the said A.B. into their service. And alsoe the said A.B. hath agreed and promysed to serve the said Governor & Companie & their Successors as their  
The factors bonde  
bunde in 1000 marks.      ffactor & covenant servant in all & every  
such their traffique of merchandize busynes  
& affaires whatsoever as they or any by them authorized shall thinke fitt to ymploy him in, as well att, in, unto, & from the East Indies, as att or in any other place or places whatsoever dureing the space of 5 yeares next ensueing the date above written, or dureing soe many & such tyme of the said ffive yeares as the said Governor & Companie or their Successors or such as shall be by them authorized shall thinke meete for such wage & consideracon as alreadie is agreed upon betweene the said Governor & Companie & him the said A.B. And which is specified & sett downe in the Courte booke of the said Companie. If therefore the said A.B. doe henceforth dureing all the said terme of 5 yeares, or soe longe tyme thereof as the Governor & Companie, or their Successors shall reteyne him in their service well trulie & honestlie serve the said Governor & Companie their Successors & assigns as

<sup>1</sup> Taken from *The First Letter Book of the East India Company, 1600-1619*, edited by Sir George Birdwood and W. A. Foster (1893), p. 140.

their ffactor in all & every such affaires & busynes whatsoever as they or such as shall be by them authorized shall thinke good to ymploy him. And doe from tyme to tyme dureing all the tyme of his service diligentlie ymploye & endeavor himselfe to the uttermost of his power knowledge and skill and to the best proffit he can devise for the use and behoose of the said Companie in & aboute the managing exercising performaunce & execution of all & every such traffique business matters affaires & things whatsoever as by the said Governor & Companie or by their assignes aucthorized for the tyme being he shall be directed or appointed to deale in, performe and doe. And alsoe yf the said A.B. doe from tyme to tyme & att all tymes to the uttermost of his power strength and skill not onelie resist & withstand all & every such person and persons as shall attempt or practise any matter or thinge whatsoever to the hindraunce hurte or damadge of the said Companie, or of their goods merchandize trade or any of them or any parte thereof: but alsoe prevent and defeate all & every such practizes attempts & accons whatsoever which shall or may tend to the damadge defraudinge or prejudice of the said Companie or of their goods or traffique or any parte thereof in any wyse. And ffurther yf the said A.B. doe from tyme to tyme give true notice & intelligence by the spediest meanes he possiblie cann unto the Governor & Comitties for the tyme being or to such as shall be by them authorized, or some of them, of all & every such deceipts wronges abuses & hindrances as he shall knowe or understand, or credible heare to be att any tyme or tymes practized done or offered agaynst the said Governor & Companie or their goods or trade, or any of them, by any person or persons in any place or places, together with the names of those persons by whom the same shall be soe offered practised or perpetrated. And alsoe yf the said A.B. doe from tyme to tyme within

14 daies next after every reasonable request to him to be made by the said Governor & Comitties for the tyme being or by any by them in that behalfe to be aucthorized not oneliē make' yeald & give to the said Governor & Comitties for the tyme being or to such of their officers or mynisters as in this behalfe shall be authorized or appointed a true just & perfect Accompte in writeinge of all & every such money goods merchandize & other things whatsoever, as before the makeing of the same Accompt shall have come to the hands chardge or possession of him the said A.B. or shall have beene consigned unto him for the use or behoose of the said Companie, and of the disposinge factorage and ymployment of all the same money goods merchandize and other things whatsoever & every parte thereof, But doe alsoe upon the makeing of the same Accompt, or within sixe daise then next ensueinge well & truelie deliver & paie unto the said Governor & Comitties for the tyme beinge, or their officers or mynisters in that behalfe to be appointed, or to some of them. All & every such money jewels pearles precious stones Bezar stones muske & muske codd's sivit amber greece, goods wares & merchandize whatsoever as by the ffootte of the same Accompte shall appeare to be & remayne in his hands or possession and for which he ought to be chardgable or aunswerable in any manner or wyse. And furthermore yf the said A.B. doe not att any tyme hereafter dureing the tyme of his service aforesaid directlie or indirectlie by himselfe or by any other deale in use or practise any buicing selling tradeing or merchaundiscinge for the use or benefitt of himselfe or of any other person or persons whatsoever (except what is now ordered lymitted & allowed him by the said Companie as by their Register appeareth <sup>1</sup>): but

<sup>1</sup> " Yt is resolved & agreed. . . . . That yt shall be lawfull for every of the said ffactors to Adventure and ympleie in every voyadge for their private profitte to & agayne in the Companies shippes, the some, or value of XXVli starlinge in any

onelic to & for the sole & propper use & benefitt of the Companie aforesaid and their Assignes. And also yf the said A.B. doe from tyme to tyme with as much speede as possiblie he cann geve intelligence & notice to the said Governor & Comitties for the tyme being as well of all & every such person & persons, whoe being now or att any tyme hereafter shall be ymployed in the service & affaires of the said Companie, doe or shall use exereyse or practise any secret or private tradinge buicing selling or merchandizing in any place or places whereby the said Companie shall or may susteyne or incurr any hindraunce or damadge, as alsoe of every particular of the same private tradinge & dealing accordinge to his best knowledge & understandinge. And alsoe yf the said A.B. at all tymes dureing the tyme of his service aforesaid doe gentlelie, faithfullie & diligentlie use behave & demeane him selfe as a good & dutifull servant towards the said Governor & Comitties & those by them authorized. That then this present obligacon etc :

#### FORM OF BONDS ENTERED INTO BY COVENANTED SERVANTS

(19 FEBRUARY, 1740)

Know all men by these Presents, That we W. A. Price & C. D. of. . . . . are held and firmly bound unto the United

Comoditie of those partes, except spices and drugges, and all manner of postering Comodities, payinge freight and other ordinarie duties for the same. The which 25li or value whereof, is to be registered here in England before shippinge of the same : as alsoe how the same is ymployed in the partes beyond the seas, & that in such manner as the Companie may have publicke notice & knowledg thereof. The which said stocke of 25li with the proffitt of the same is to be returned in every voyadge without any other private trade of the same & gaine thereof, dureinge the Continuance of their service with the said Companie, & furdre to give advice in every voyadge whereby the Companie may have knowledg thereof, that the same may be Registered accordingly for better satisfaccion herein & for performance of their Bondes formerlie entered into for abstayninge from all other private trade & such like."

(COURT MINUTES, 20 January, 1606-07)

Company of Merchants, . . . , in the sum of (Five hundred <sup>1</sup>) Pounds of Lawful Money of Great Britain, to be paid to the said United Company or their certain Attörney or Successors. To which Payment well and truly to be made, we bind ourselves and each of us, jointly and severally, and our and each of our Heirs, Executors, and Administrators. Sealed with our Seals, datēd the Nineteenth day of February in the year of our Lord, One Thousand Seven Hundred and Forty and in the Fourteenth year of the Reign of our Sovereign Lord George the Second by the Grace of God, of Great Britain, France and Ireland, King Defender of the Faith, and so forth.

Whereas William A. Price of London Writer is appointed and chosen Writer to the above named United Company, etc. . . . ., The condition of this Obligation is such, That if the said W. A. Price do, and shall, from Time to Time, and at all Times hereafter, during his continuance in the said office or service, Faithfully, Honestly, Diligently, and Carefully, Execute, Perform and Discharge the said Office or Service. And further, if the said W. A. Price, his Heirs, Executors, Administrators, and Assigns, and every of them, shall and do well and truly Observe, Perform, Pay, Fulfill and Keep all and every the Conditions, Covenants, Payments, Articles and Agreements, Contained, and Specified in one Pair of Indentures, bearing even Date with these Presents, and made between the above-named United Company, etc. . . of the One Part, and the said W. A. Price . . . on the other Part, which on the Part and behalf of the said W. A. Price, his Heirs, Executors, Administrators, and Assigns, or any of them, are, or ought to be Observed, Performed, Paid, Fulfilled, and Kept, and that in all Things according to the Tenour, Effect and true Meaning of the said Indentures : Then this obligation to be void

<sup>1</sup> The sum varied with different grades of servants.

and of none effect, or else to remain in full Force and Virtue.

Sealed and Delivered  
in the presence of us.

Sd/- W. PRICE. (Seal)  
Sd/- G. D. „

Sd/—

Sd/—

(Copy from the “ Bond Book for Covenanted Servants Abroad,” Vol. I, I. O. R. This is the earliest copy available in the India Office Records.)

## APPENDIX B

### *Forms of Covenants Subscribed by Civil Servants in Different Periods*

#### COVENANT No. 1. 1756-1770 <sup>1</sup>

(*Vide* Appendix to the First Report of the Select Committee of the House of Commons to enquire into the nature, state, and condition of the East India Company, dated the 26th May, 1772.)

(Some portions, which are not so important have been omitted.)

“ This Indenture, made the.....in the year of our Lord One thousand Seven hundred and.....and in the ....year of the Reign of our Sovereign Lord.....by the Grace of God, of Great Britain, France, and Ireland, King Defender, etc.....; Between the United Company of Merchants of England, trading to the East Indies, of the one Part, and A.B. of London, Writer of the other Part. Whereas the said United Company, etc....., have (upon the special request and entreaty of the said A.B. and upon the conditions and agreements hereinafter contained,

<sup>1</sup> According to this Report, this Covenant (No. 1) was in force from 1756 to 1770. But from India Office Records this form can be traced so far back as 1740, the earliest year for which manuscript copies have been preserved. (In Bond Book, Vol. I, see the copy of a Covenant of a Writer named W. A. Price, dated the 19th Feb., 1740). The above form was supplemented by another Covenant in 1764 directed against the prevention of the practice of taking gifts and presents from highly placed natives, which is reproduced as Covenant No. 2. Since 1765 both these Covenants were enforced. In July, 1770, the form of Covenant No. 1 was slightly modified by the addition of a few clauses. We shall call this Covenant No. 3; only the new clauses are reproduced here. This remained in force up to May, 1772, the date of the Report in question and much later as appears from the Bond Book in India Office mentioned above. Subsequently alterations have taken place as necessity has been felt for change till it has taken the shape of the Covenants of the present-day members of the Indian Civil Service.



on the part of the said A.B. to be performed) received and entertained him the said A.B. into their service, as their Writer and Covenant Servant, at their Chief Settlement of Fort William in Bengal in the East Indies, to serve them for the term of five years, and to be employed in all or any of the Traffic or Merchandizes, businesses, and affairs, in any place or places whatsoever, between the Cape of Good Hope, and the Straits of Magellan, as the said Company, or their Court of Directors for the time being or any thirteen or more of them, or any by them authorised, shall appoint, at and for the Wages or Sum of Five pounds of lawful Money of Great Britain, by the Year, to commence from the Time of his Arrival at Fort William aforesaid. Now this Indenture witnesseth, that the said A.B. for himself, his Heirs, Executors, and Administrators,<sup>1</sup> doth hereby covenant and agree, to and with the said United Company of Merchants of England, trading to the East Indies, their successors,<sup>2</sup> in Manner and Form following ; (that is to say,)

“ That he the said A.B., from the Time of his Arrival at Fort William aforesaid, for, and during, and unto the full End and Expiration of Five years, shall faithfully, honestly, diligently, and carefully, serve the said Company at such Place and Places, and in all and every such Affairs and Businesses of the said Company, as the said A.B. shall be employed in ; and shall also, from time to time, and at all times, observe, keep and fulfil, all and every the orders of the said Company, and of said Court of Directors, made and to be made, for the Government of their Factories and Settlements, Offices, Agents, or Servants abroad ; and shall and will also observe, keep, and fulfil, all such Orders, Instructions, and Directions, which he shall herewith or hereafter receive under the Seal of the said Company

<sup>1</sup> These words will be kept blank below.

<sup>2</sup> Words after ‘ Company ’ will be omitted below.

or from the said Court of Directors of the said Company for the time being, or any Thirteen or more of them, or from any Persons authorised thereunto by such Directors; and shall and will, to the utmost of his power and skill, resist and withstand all and every such Person or Persons, as shall break or endeavour to break, the said Orders, Instructions, or Directions, or any of them, and the said A.B. doth hereby for himself, his heirs, etc.....covenant and agree, to and with the said United Company, etc....., that he will not do, attempt, or practise, nor shall wittingly or willingly permit or suffer any other Person or Persons whatsoever, to do, attempt, or practise, any Matter or thing whatsoever, to the Hindrance, Hurt, Prejudice Damage, or defrauding of the said Company or their successors, or of their servants; or any of them, or of the said Company's Goods, Merchandizes, Trade, or Traffick, or any of them, or any Part thereof; but shall, as much as in him lies, prevent and defeat the same.....And he the said A.B. doth hereby, etc.....agree, to and with the said United Company, etc.....that he will not engage or employ, either the Stock of the said Company or any Part thereof, or make use of the credit of the said Company, in any kind, or other Way and Manner howsoever, than for the Affairs of the said Company, and as by the major Part of the Court of Directors of the said Company, for the Time being, under their Hands, or under the Common Seal of the said Company, shall be ordered and directed. And the said A.B. doth, etc.....agree,....that he the said A.B. shall and will, at all Times, keep and conceal the said Company's Secrets, and every Matter and thing committed to him as such by the said Court of Directors, or their Agents, Factors, Officers, and Servants, or any of them. And also that he the said A.B. shall and will, from Time to Time, and at all Times henceforth, during his said Employment, keep, or cause to be kept, a true and particular

Journal or Day Book, of all Passages and, Proceedings relatively to the Affairs of the said Company, and also Books of Accounts ; in which Journal, Day Book, and Books of Accounts, he shall daily, 'duly, truly, and fully, enter, or cause to be entered, the Accounts of all and every particular Buying, Selling, Receipts, Payments, Barterings and all other Transactions and Occurrences relating to his Trust, during the Time he shall continue in the said Company's Service and Employment and he the said A.B. doth hereby, etc.....agree, to and with the said United Company, that he will not place, or consent to the placing, to the said Company's Account, nor otherwise charge the said Company with any more or greater sums than he shall really, and in good Faith, pay for all or any Goods, Merchandizes, or Effects, which he shall buy, or 'cause, procure, or consent to be bought, for, or on Account of, the said Company. And he the said A.B. doth hereby, etc.....agree, to and with the said United Company, etc.....that he shall and will bring to the Account of the said Company, in the Books of the said Company, the full Rates and Prices for which he shall sell, or cause to be sold, any of the said Company's Goods, Merchandizes, or Effects ; and the said A.B. doth hereby, etc.....further covenant and agree, etc.....that he will not directly or indirectly, take, accept, or receive, or agree to take, accept, or receive, any Gift, Reward, Gratuity, Allowance, Compensation, Sum or Sums of Money whatsoever, from any Person or Persons, of whom he the said A.B. shall, by himself, or any Agent for him, buy or barter, any Goods, Merchandizes, Treasure, or Effects, for, or upon Account of, the said Company ; and further, that he will not take, accept, or receive, or agree to take, accept, or receive, any Gift, Reward, Gratuity, Allowance, Compensation, Sum or Sums of Money whatsoever, from any Person or Persons to whom he the said A.B. shall, directly or

indirectly, by himself, or any Agent for him, sell or barter any Goods, Merchandizes, Treasure, or Effects, of or belonging to ; or for, upon account of, the said Company,..... And further, that he the said A.B. shall and will well and truly deliver and pay unto the said United Company, etc., their successors, all and every such Moneys, Goods, Merchandizes, and Things whatsoever, as by the Foot of his Account, or otherwise, shall be due from him, or remain at his hands and possessions, and for which he ought to be chargeable or answerable in any manner or wise ; and also, that he, the said A.B. shall and will (before he shall leave the said Company's Factories or Settlements) pay and discharge all and every such sum or sums of Money as he shall justly owe, or be indebted to any of the Black Merchants or Natives of the Country where the said A.B. shall be, together with such other sums as he shall owe abroad to any other Merchants or Persons not being subjects of His Majesty the King of Great Britain, or his successors ; ..... And upon condition, that the said A.B. shall in all Things perform his Covenant and Agreements with the said Company, and to encourage him so to do, It is further covenanted and agreed, by and between the said Parties to these Presents, That it shall and may be lawful to and for the said A.B. and the said Company doth accordingly license the said A.B. during the said Five Years, commencing as aforesaid, freely to trade and traffick, *for his own account only, from port to port in India*, or elsewhere, within the Limits aforesaid, but not to or from any place without the same, without any Lett, Hindrance or Interruption, from them the said Company, their Successors or Assigns, so as the said Trade and Traffick, so to be carried on and driven in India or elsewhere, within the Limits aforesaid, or any Part thereof, be subject to such Rules, Regulations and Limitations, as the said Company, or the Court of Directors for the time

being of the said Company, have already directed, or shall from Time to Time hereafter direct and appoint, and be not to the Hurt or Prejudice of the said Company and their Successors, or of their Trade and Commerce ; . . . . .

“ And for as much as grievous Complaints have been made to the said Company, that several of the said Company's Presidents and Chiefs of their Factories, and several of such Persons as are of their Councils in their Factories, or some of them, as also their Factors, Agents, and Servants, have committed very heinous and grievous offences in such Factories of the said Company, and elsewhere in the East Indies, and other Places within the said Company's Limits of Trade, by unjustly menacing, imprisoning, assaulting, abusing, and evil treating, the Natives and Black Merchants, and others with whom the said Company have had dealings or Correspondence ; and by such Means, and other Violences, Abuses, and Injuries, have, as hath been alleged, extorted and forced great sums of Money, and other valuable Effects, from such injured Persons, who by Reason of the great Distance from this Kingdom, and the wholesome Laws thereof, and by Reason that the said Company have not been enabled to obtain and render satisfaction for such Injuries and Misdemeanours, are and have been remediless : Now it is hereby agreed by and between the said Parties to these Presents, and the said A.B. doth hereby covenant and agree, to and with the said Company that in case any Sum or Sums of Money, Goods or Chattels whatsoever, shall at any Time or Times hereafter, be extorted, forced, or taken, by him, the said A.B. (either separately or jointly with others) from any Person, or Persons whatsoever, within the said Company's Limits of Trade, by the Means or Use of Imprisonments, Assaults, Violences, Menaces, or other Force or Compulsion whatsoever, then and as often as any such Offence or Offences shall be committed, it shall and may be useful, to and for

every Person or Persons injured thereby, to make and send over Complaints and Attestations thereof in Writing to the Court of Directors of the said Company for the Time being, and that upon the Receipt of such Complaints, and Attestations, it shall and may be lawful to and for the Court of Directors of the said Company, for the Time being, to enquire into the Truth of the said Complaints, by all such Ways and Means as they shall think just and equitable, and thereupon to hear the Matter of the said Complaint, or Complaints, and thereupon finally to judge and determine, the same, and to award Satisfaction and Reparations to be made by the said A.B. to the said Company, for the Benefit of such injured persons. And the said A.B. doth hereby etc., ..... covenant and agree, to and with the said Company, well and truly to pay to the said Company, at such Time or Times as shall be limited by the said Court of Directors (or the major Part of them) for that Purpose, all and every such sum and sums of Money as shall be so awarded by the said Court of Directors, etc..... to be paid as aforesaid: But in Trust nevertheless, and to the Intent, that the said Company may and do render, and pay over, the Monies received or recovered by them, to the Parties injured or defrauded, which the said Company accordingly hereby agree and covenant to do: And the said A.B. doth furthermore, for himself, his Heirs, etc.... covenant and agree, to and with the said Company to pay and satisfy to the said Company, for their own Use and Benefit, all such Damages as they shall have sustained by Reason or Means of any such offence or offences as aforesaid. .... And the said A.B. doth hereby, etc..... covenant and agree, to and with the said Company, etc..... that he the said A.B... will not at any Time, during his Residence in the East Indies, or within the said Company's Limits, directly or indirectly, by himself, or in conjunction with any Person or Persons

whatsoever, carry on or use, or be concerned in, any sort of Trade, Traffick, or Merchandize, either from Euorpe to the East Indies, or to any Place within the said Company's Limits, between the Cape of Good Hope, and the Straits of Magellan, or from the East Indies, or from any Place within the said Company's Limits, to Europe, or to or from any Place whatsoever, altho' not within the said Company's Limits of Trade, save and except for, and on Account of, the said Company, nor shall carry on, use, or be concerned in, any Trade or Traffick whatsoever, but such as is expressly allowed by and according to the true Intent and Meaning of these Presents. And he the said A.B. for himself, etc. ....doth hereby covenant and agree, that he the said A.B., etc.....shall and will pay, or cause to be paid, unto the said Company, as and by Way of stated Damages, double the value of all and every the Goods and Merchandizes traded for, bartered, or trafficked with, by the said A.B. his Agent or Agents, contrary to the true Meaning of these Presents, and moreover, shall forfeit and lose all and every the Benefits and Advantages which the said A.B., etc.... would otherwise be entitled unto, from the said Company, and shall also from thenceforth cease to be the said Company's servant or Agent.....Lastly, it is hereby covenanted, concluded, and agreed, by and between the Parties hereto, and it is their true Intent and Meaning, that if the said A.B. shall continue in the said Company's service after the Expiration of the said Term of Five Years, that such continuance shall be upon the same Terms, Conditions and Agreements, as are hereinbefore made and agreed upon, for the said Term of Five Years, save and except that if the said A.B. shall rise to any superior place or office than what he is hereby employed in or appointed for, that then he the said A.B. shall have and receive such Wages as are usually paid to officers in the like advanced Stations, Places, or Employments. In witness whereof, the

said United Company have to one Part of these Indentures set their Common Seal ; etc.....:.....”.

. B.

## COVENANT No. 2

The Specimen of a Covenant of Writers (from May, 1764 to 1770), Civil No. 1000, 1770.<sup>1</sup>

This Indenture, made the.....day of.....in the .....year of the reign of our sovereign Lord.....by the grace of God, King of Great Britain, France, and Ireland, Defender of the Faith and so forth, and in the year of our Lord one thousand seven hundred and seventy, between A.B. of London, writer, of the one part, and the United Company of Merchants of England, trading to the East Indies of the other part ;

Whereas the said A.B. is now employed in the service of the said United Company as one of their writers and covenant servants, at their chief settlement of Fort William in Bengal, in the East Indies ; Now this Indenture witnesseth, and the said A.B. in compliance with a Resolution of a General Court of the said United Company and for and in consideration of what he is, or shall be, entitled to receive from the said Company, in respect of his said service, or in respect of any other station, capacity or employment, in which the said A.B. may hereafter be retained or employed by the said United Company, or their Court of Directors, doth hereby for himself, his Heirs, Executors, and Administrators, covenant, promise and agree, to and with the said United Company, that he the said A.B. shall not, nor will at any Time or Times hereafter during his being employed in the said Company's service, in any station or capacity whatsoever, either by himself

<sup>1</sup> *Vide* First Report from the Select Committee appointed to enquire into the nature, state and condition of the East India Company and of the British affairs in the East Indies, 26th May, 1772.



or by any other person or persons whomsoever, in trust for him or for his use, directly or indirectly, accept, take or receive or agree to accept, take or receive, any gift or grant of lands ; or rents or révenues issuing out of lands or any territorial possession, jurisdiction, dominion, power or authority whatsoever, from any of the Indian Princes, Sovereigns, Subahs or Nabobs or any of their ministers, servants or agents for any service or services, or upon any account or pretence whatsoever, without the licence or consent of the Court of Directors for the time being, of the said United Company, signified under their Hands, nor shall or will, at any time or times hereafter, during his being employed in the said United Company's service, in any station or capacity, whatsoever, either by himself, or by any other person or persons whomsoever in trust for him, or for his use, directly or indirectly, accept, take or receive, or agree to accept, take or receive any gift, reward, gratuity, allowance, donation or compensation in Money, Effects, Jewels or otherwise howsoever from any of the Indian Princes, Sovereigns, Subahs or Nabobs or any of their ministers, servants or agents exceeding the value of four thousand rupees, for any service or services performed, or to be performed, by the said A.B. in India or upon any other account or pretence whatsoever, without the like licence or consent of the said Court of Directors of the said United Company signified as aforesaid ; nor any such reward, gratuity, allowance, donation, or compensation exceeding the value of one thousand rupees, and under the value of four thousand rupees, without the licence or consent of the President and Council for the time being, of the Presidency or Settlement where the said A.B. shall be employed ; and that he the said A.B. shall and will convey, assign and make over to the said United Company, for their sole and proper use and benefit, all and every such Gifts, and Grants of Lands, or Rents or

Revenues issuing out of Lands or any such territorial possession, jurisdiction, dominion, power or authority whatsoever; and also account for and pay to the said United Company for their sole and proper use and benefit, all and every such gifts, rewards, gratuities, allowances, donations or compensations whatsoever, which, contrary to the true intent and meaning of these presents, shall come to the hands, possession or power of the said A.B. or any other person or persons in trust for him, or for his use as aforesaid. In witness whereof, to one part of these indentures the said A.B. hath set his hand and seal, and to the other part thereof, the said United Company have caused their common seal to be put, the day and year above written.

A.B.

Sealed and delivered (being first duly stamped) in the presence of.....

I acknowledge to have read this within covenant, before I executed the same

A.B.

Witness.....

NEW CLAUSES OF COVENANT No. 3, FROM JULY, 1770  
ONWARDS

“ Provided always, and it is hereby expressly covenanted, declared and agreed, between the Parties to these Presents, and it is the true Intent and Meaning thereof, that in case the said A.B. shall make default in any of the Covenants hereinbefore contained, or shall embezzle any of the said Company's Money, Goods, or Effects, or be guilty of any Breach of Trust towards the said Company, or shall be concerned in buying, bartering, selling, or disposing of any Artillery, Ordnance, Musquets, Fire-Arms, Ammunition, or Warlike stores, to or for the

use of any Prince, Nabob or Country Power in India, or of the Natives there, without the express Licence of the said Company, or their Court of Directors for the time being or a majority of them, or of the said Company's President and Council, at the respective Settlement where such buying, bartering, or selling, shall be ; or in case the said A.B. shall, at any Time during the continuance of these Presents, without the like Licence and authority as aforesaid, hold correspondence with any Prince, Nabob or Country Power in India, or any of their Ministers, or shall supply, lend to, or procure, for the use of any Foreign Company trading in, or to India, or any Person or Persons trading under the Licence or Authority of such Foreign Company, any Money, at *Respondentia* or any other security, Loan, or Engagement whatsoever ; that then, and in each and every of the said cases, it shall be lawful for the said Company and their said Court of Directors, etc. . . or the President and Council at the respective Settlement, . . . . . and they are hereby respectively declared to have full Power and Authority for that Purpose, to suspend, or wholly dismiss, the said A.B. from the Company's Service and Employment ; the said A.B. having first had Notice given him of such his Offence or Default, and a reasonable Time allowed to make his Defence against the same, and having been convicted thereof. And it is hereby further expressly covenanted and agreed by and between, etc. . . . that in case of such Dismission as aforesaid, or in case the said A.B. shall, during the continuance of these Presents, be minded to quit or resign the said Company's service, and such Resignation shall be accepted and agreed to, by the said Company or their Court of Directors, or their President and Council at such Settlement, etc. . . . . that then, and in either of the said cases of Dismission from, or voluntary Resignation of, the said Service, it shall not be lawful for the said A.B. to enter into any new or fresh Engagements

or Concerns whatsoever, in the way of Trade or Merchandize ; but he shall wholly forbear and be prohibited therefrom ; but nevertheless, the said A.B. shall, in any or either of the said cases, be at Liberty, and have power and authority to sell and dispose of his Merchandizes and Effects, which he shall have on Hand, or which shall be then fairly and truly belonging to him, and to collect and get in such outstanding Debts as shall be then due and owing to him in Trade, or otherwise. And for the more effectually carrying the said last mentioned Covenant and Agreement into Execution, it is hereby declared to be the true Intent and Meaning of these Presents ; and the said A.B. doth hereby covenant, promise and agree, to and with the said United Company that in case of such Dismission from, or quitting and resigning, the said Company's Service and Employment, he the said A.B. shall and will, within one year after the same shall happen, or by the first Passage that can be obtained after the expiration of the said One Year, transport himself, together with his Family, to Great Britain, in such ship employed by the said Company, or by their Court of Directors, or their President and Council as aforesaid ; and shall not, nor will upon any account or Pretence whatsoever, stay or continue any longer in the East Indies : And moreover, in case the said A.B. shall make Default in the said last mentioned Covenant, the said A.B. doth hereby consent and agree with the said United Company that from and immediately after such Default, it shall and may be lawful for the said Company, or their Court of Directors, or their President and Council at the Settlement....to cause the said A.B. to be apprehended and detained, and to put him and his family on Board any Ship employed by the said Company, for the Purpose of being Transported to Great Britain, so nevertheless that no unnecessary Delay be sought, nor any fit Occasion or Opportunity lost in so doing. And

further, in case of such apprehending, putting on Board and Transporting, 'the said A.B. doth hereby covenant, promise, and agree to and with the said United Company that he the said A.B., etc.....shall not, nor will commence, sue, or prosecute the said Company or their Court of Directors, or any of their Presidents and Council, Commanders or Officers of any such Ship, or any other Person employed in any of the Matters aforesaid, in or by any Action, Suit, or other Prosecution, Civil or Criminal, in respect of such Apprehending and Detaining him the said A.B. or of Putting on Board and Transporting him and his Family, to Great Britain, in Manner aforesaid, etc..... "

(For reasons of adding the above clauses see Letter from the Court, dated the 10th of April, 1771, in *Bengal Despatches*, Vol. 4.)

COPY OF A COVENANT OF AN I.C.S. OFFICER  
EXECUTED IN 1891

This indenture made the....day of.....in the year of our Lord 1891, between.....hereinafter called the covenantor, of the first part; .....hereinafter called the surety, of the second part: and the Secretary of State in Council of the third part. Whereas the Secretary of State in Council has appointed the covenantor to serve Her Majesty as a member of the Civil Service of India in the Presidency of Fort William in Bengal, in the East Indies (with the option to the Government of India at any time and from time to time to require him to serve elsewhere in India), such service to continue during the pleasure of Her Majesty, Her Heirs and Successors, to be signified under the hand of the Secretary of State for India, *but with liberty for the said covenantor to resign the said service,*<sup>1</sup> with the permission of the said Secretary of

<sup>1</sup> *Italics ours.*

State in Council or of the Governor-General of India in Council. And whereas by reason of the said Covenantor's minority the said surety hath agreed to become a party to and execute these presents as a surety for the due performance of the covenants hereinafter contained on the part of the said covenantor. Now this Indenture witnesseth, and the said covenantor and the said surety do and each of them doth hereby severally covenant and agree with and to the Secretary of State in Council, in manner and form following; that is to say,—

1st. That while he the said covenantor shall be employed in the said service he will faithfully, honestly, and diligently do all such things as shall be lawfully committed to his charge by or on the part of the Secretary of State in Council or of the Government of India, or in execution of his duty.

2nd. That he will perform and obey all such general rules and regulations of the Secretary of State in Council and of the said service as shall be in force in relation to all things to be committed to his charge or to be done by him, or to any rank, office or station in which he shall act, and will observe and obey all such orders relating to himself or his conduct as he shall receive from the Secretary of State in Council, or the Government of India, or any person who shall have lawful authority to command him.

3rd. That he will regularly and justly keep all accounts touching his transactions for the Government in India, and will preserve and keep all such documents, chattels, and realty as shall be committed to his charge, or as it shall be his duty to preserve and keep, and shall not wilfully obliterate, cancel or injure, nor permit to be obliterated, cancelled, or injured, any documents, chattels, or realty belonging to Her Majesty or in the custody of any person or persons on account of the Government, and will deliver all such documents, chattels, and realty as shall be in

his custody or power to any person to whom he ought to deliver the same. And on demand made by or on behalf of the Secretary of State in Council, or of the Government of India, will deliver to such person or persons as shall be authorised to demand the same, all documents whatsoever touching any of the affairs or concerns of the Government, or anything in which he shall have been engaged as a servant in the Civil Service of India: such delivery to be made without obliteration or concealment of any part of the books, papers, or writings to be delivered up, and notwithstanding that they may not be the property of Her Majesty or that there may be any entry or entries relating to his own affairs or those of any other person or any other reason whatever.

4th. That he shall not make use of or apply the property of Her Majesty which he may have for any purposes other than those for which he ought to use and apply it in the course of his said service, save and except such furniture, goods and chattels as he may be justly entitled to the use of for his own proper accommodation.

5th. That he shall not nor will divulge, disclose or make known any matter relating to the affairs or concerns of the Government in India, or relating to any matter or thing in which he may act or be concerned or which may come to his knowledge in the course of his said service which may require secrecy, and which ought to be kept secret (save and except as his duty may require), unless he shall be authorized or required to disclose and make known the same by the Secretary of State in Council or the Government in India, or some other person or persons having competent authority for that purpose.

6th. That he shall not at any time, directly or indirectly, ask, demand, accept, or receive any sum of money, or security for money, or other valuable thing or service whatsoever, or any promise or engagement by way of

present, gift or gratuity, from any person or persons with whom or on whose behalf he shall, on the part of the Government in India, have any dealings or transactions, business or concern whatsoever, or from any person or persons from whom, by law or any orders or regulations of the Secretary of State in Council or of any of the branches of the Government of India, he is or shall be restrained from demanding or receiving any sum of money or other valuable thing as a gift or present, or under colour thereof.

7th. That he shall not nor will by himself, or in partnership with any other person or persons, or by the agency of any other person or persons, either as principal, factor or agent, directly or indirectly engage, carry on, or be concerned in any trade, dealings or transactions whatsoever.

8th. That he shall not nor will at any time return to Europe, nor remove from or leave the Presidency, within which he shall be serving, without the previous permission of the Governor-General of India in Council in writing : and previously to any such return or removal he shall pay, satisfy and perform all such debts, sums of money, duties, and engagements as he shall owe or be liable to perform to Her Majesty or to the Government in India, or any branch or department of the same.

9th. That he shall and will forthwith upon his arrival at the said Presidency, and from time to time, so long as he shall continue in the service of Her Majesty, make such payments as, under the rules and regulations which shall be in force within the said Presidency of Fort William in Bengal, shall become due or payable by him on account of the provision for his own pension or for pensions to his wife, or children or shall at the option of the Secretary of State in Council or of the Governor-General of India in Council, allow the amount of such subscriptions to be deducted out of the money due or payable by the Government to him,



In witness whereof, the said covenantor, the said surety, and.....being two members of the Council of India, have hereunto set their hands and seals, the day and year first above written.

Signed, sealed, and delivered by  
the above-named covenantor  
in the presence of                      Sd/-                      (seal)  
Sd/-

Signed and sealed, and delivered  
by the above-named surety  
in the presence of                      Sd/-                      (seal)  
Sd/-

Signed and sealed, and delivered  
by the above-named two  
members of the Council of  
India in the presence of                      Sd/-                      (seal)  
Sd/-

(From Bengal Secretariat Records, by kind permission  
of the Government of Bengal.)

#### COPY OF A COVENANT OF I.C.S. OFFICERS IN 1931

This Indenture made the....day of.....in the year of our Lord 1931, between.....(hereinafter called "the covenantor") of the one part and the Secretary of State in Council of the other part. Whereas the Secretary of State in Council has appointed the covenantor to serve His Majesty as a Member of the Civil Service of India, in the Presidency of Fort William in Bengal in the East Indies (with the option to the Government of India at any time and from time to time to require him to serve elsewhere in India), such service to continue during the pleasure of His Majesty, His heirs and successors, to be signified under the hand of the Secretary of State for India,

but with liberty for the said covenantor to resign the said service, with the previous permission of the Secretary of State in Council or of the Government under which he may for the time being be serving. Now this Indenture witnesseth, and the said covenantor doth hereby covenant and agree with and to the Secretary of State in Council, in manner and form following, that is to say,—

1st. That while he shall be employed in the said service he will faithfully, honestly and diligently do all such things as shall be lawfully committed to his charge by or on the part of the Secretary of State in Council or of the Government in India, or in execution of his duty.

2nd. That he will perform and obey all such general rules and regulations of the Secretary of State in Council and of the said service as shall be in force in relation to all things to be committed to his charge or to be done by him or to any rank, office, or station in which he shall act, and will observe and obey all such orders relating to himself or his conduct as he shall receive from the Secretary of State in Council, or the Government in India, or any person who shall have lawful authority to command him.

3rd. That he will regularly and justly keep all accounts touching his transactions for the Government in India, and will preserve and keep all such documents, chattels and realty as shall be committed to his charge, or as it shall be his duty to preserve and keep, and shall not wilfully obliterate, cancel or injure, nor permit to be obliterated, cancelled, or injured, any documents, chattels, or realty belonging to His Majesty, or in the custody of any person or persons on account of the Government and will deliver all such documents, chattels and realty as shall be in his custody or power to any person to whom he ought to deliver the same, and on demand made by or on behalf of the Secretary of State in Council, or of the Government in India, will deliver to such person or persons

as shall be authorised to demand the same, all documents whatsoever touching any of the affairs or concerns of the Government or anything in which he shall have been engaged as a servant in the Civil Service of India—such delivery to be made without obliteration or concealment of any parts of the books, papers, or writings to be delivered up, and notwithstanding that they may not be the property of His Majesty, or that there may be an entry or entries relating to his own affairs or those of any other person, or any other reason whatever.

4th. That he shall not make use of or apply the property of His Majesty which he may have, for any purposes other than those for which he ought to use and apply it in the course of his said service, save and except such furniture, goods, and chattels as he may be justly entitled to the use of for his own proper accommodation.

5th. That he shall not nor will divulge, disclose or make known any matter relating to the affairs or concerns of the Government in India, or relating to any matter or thing in which he may act or be concerned or which may come to his knowledge in the course of his said service which may require secrecy and which ought to be kept secret (save and except as his duty may require), unless he shall be authorised or required to disclose and make known the same by the Secretary of State in Council, or the Government in India, or some other person or persons having competent authority for that purpose.

6th. That he shall not at any time, directly or indirectly, ask, demand, accept, or receive any sum of money or security for money, or other valuable thing or service whatsoever, or any promise or engagement by way of present, gift or gratuity, from any person or persons with whom or on whose behalf he shall, on the part of the Government in India, have any dealings or transactions, business or concern whatsoever, or from any person or

persons from whom, by law or any orders or regulations of the Secretary of State in Council or of any of the branches of the Government in India, he is or shall be restrained from demanding or receiving any sum of money or other valuable thing as a gift or present or under colour thereof.

7th. That he shall not nor will by himself, or in partnership with any other person or persons, or by the agency of any other person or persons, either as principal, factor or agent, directly or indirectly engage, carry on or be concerned in any trade, dealings or transactions whatsoever.

8th. That he shall not nor will at any time return to Europe, nor remove from or leave the Presidency or province within which he shall be serving, without the previous permission of the Government in writing, and previously to any such return or removal he shall pay, satisfy, and perform all such debts, sums of money, duties and engagements as he shall owe or be liable to perform to His Majesty or to the Government in India, or any branch or department of the same.

9th. That he shall and will forthwith upon his arrival at the said Presidency, and from time to time, so long as he shall continue in the service of His Majesty, make such payments as, under the rules and regulations which shall be in force in India, shall become due or payable by him to the Indian Civil Service Provident Fund and for pensions to his wife or children, or shall, at the option of the Secretary of State in Council, or of the Government, allow the amount of such subscriptions to be deducted out of any money due or payable by the Government to him.

10th. That for the purpose of calculating the pay admissible to him under the time-scale this covenant shall have effect as from the 1st day of November, 1931. Provided that pay shall be drawn only from the date of disembarkation in India, subject to his proceeding to take up his duties without avoidable delay.

In witness whereof, the said covenantor.....and  
 .....being two members of the Council of  
 India have hereunto set their hands and seals the day and  
 year first above written.

Signed, sealed and delivered by  
 the covenantor in the  
 presence of Sd/- (seal)  
 Sd/-

Signed, sealed and delivered by Sd/- (seal)  
 the above-named two  
 members of the Council of  
 India in the presence of Sd/- (seal)  
 Sd/-

(From Bengal Secretariat Records. By kind permission of  
 the Government of Bengal.)

## APPENDIX C

### I. GRADES AND SALARIES OF CIVIL SERVANTS [*Bengal Civil Servants, Vol. I (1706-1760), I. O. R.*]

Old Company		New Company	
	£	31st December, 1706	Grades Salary £
Chairman and Cashier ..	100	Mr. Winder,	Chairman .. 100
Accountant ..	40		and Cashier .. 40
Import Warehouse Keeper ..	40	„ Nightingale,	Export Ware- house Keeper .. 40
Buxie ..	40	„ Maister,	Jemindar .. 40
Senior Merchant ..	40	„ King,	Secretary .. 40
Junior Merchant ..	30		Factor in the .. 15
Factor in the Secretary's Office	15		Export Ware- house Factor in the .. 15
			Secretary's Office Factor in the .. 15
			Accountant's Office Factor in .. 15
			Import Ware- house Writer under .. 20
			the Buxie .. 20
			Writers .. 20

### II. LIST OF THE UNITED COMPANY'S COVENANTED SERVANTS IN BENGAL, THE 15TH DAY OF FEBRUARY, 1713-14

	Names	Dignity	Year of arrival in India	Salary £	Present Salary £	Present Position
Council	R. Hodges	Arrived Councillor	17th Aug. 1710	40	300	President
	A. Adams	„ Writer	5th July 1699	20	40	Second
	E. Pattle	„ „	31st Oct. 1692	5	40	Third
	S. Featre	„ „	26th May 1700	5	40	Fourth
	J. Willcaugon	„ Factor	25th Aug. 1702	15	40	Fifth
	E. Page	„ Junior Merchant	17th Aug. 1710	30	40	Sixth
	S. Browne	„ Junior Merchant	17th Aug. 1710	30	40	Seventh
	J. Deane	„ Writer	25th Aug. 1702	5	40	Eighth
	J. Frankland	„ Factor	14th Jan. 1708.9	15	40	Ninth

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	Names	Dignity	Year of arrival in India	Salary £	Present Salary £	Present Position
Senior Merchants	J. Ravenhill	Arrived Writer	17th July, 1682	10	40	
	W. Spencer	" "	2nd Aug. 1699	20	40	at Bala- sore
	J. Eyno	" "	14th June 1701	20	40	
Jr. Mer- chant	J. Thompson	" Factor	25th Dec. 1708-09	15	30	in the Ex- port Ware- house
	W. Collett	" "	14th Jan. 1709-10	15	15	Ditto
Factors	J. Cole	" "	Do.	15	15	Ditto
	J. Surinan	" Writer	19th Aug, 1707	5	15	at Pattna
	J. Pratt	" "	14th Jan. 1709-10	5	15	Ditto

LIST OF THE HON'BLE COMPANY'S COVENANTED SERVANTS ON THE BENGAL ESTABLISHMENT  
WITH THEIR EMPLOYMENTS, SALARIES, ALLOWANCES, ETC. (8TH OCTOBER, 1764)

[*Bengal Civil Servants, Vol. II (1760-1783), I. O. R.*]

Names and employments	Arrival	Station	Salary per annum Rs.	Monthly Allowance Rs.	House-Rent	Amount per annum Rs.	Gratuity	Total Rs.
1 The Hon'ble Henry Vansittart, Esq., Cash-Keeper	27th July, 1760	President and Governor	24,000	..	Company's house	..	2% of the net proceeds of Calcutta Lands plus 1% mint duty plus 4% consular age on coral and silver	..
2 Stanlake Batson, Esq.	Do	Writer in Council	360	..	Do	..	..	..
3 John Carnac, Esq.	1760	Major in Council	2,000	..	Do	..	..	..
4 William Billers, Esq., Chief at Patna	16th July, 1749	Writer in Council	360	500	..	6,000	..	6,360
5 Harry Vereist, Esq., Chief at Chittagong	Do	Do	360	500	Company's house	6,000	..	6,360
6 John Cartier, Esq., Chief at Dacca	25th Sept., 1750	Do	360	250	Do	3,000	..	3,360
7 W. Hastings, Esq., Export Warehouse-keeper	Do	Do	360	98-7-6	..	1,181-10-0	..	1,541-10-0
8 John Johnstone, Esq., Chief at Burdwan	August, 1751	Do	360	..	..	..	..	360
9 Randolph Marriott, Esq., Custom Master, and Register of Dusticks	26th July, 1753	Do	360	98-7-6	Company's house	1,181-10-0	..	1,541-10-0
10 Hugh Watts, Esq., Resident at Durbur	Do	Do	360	500 plus public servants	..	6,000	..	6,360
11 A. William, Esq., (Senior) Chief at Kasimbazar	Do	Do	360	333-5-4	..	4,000	..	4,360
12 Samuel Middleton, Esq., Import Warehouse Keeper, Mint Master	Do	Do	360	98-7-6	Company's house	1,181-10-0	600	2,141-10-0
	..	..	..	..	..	..	1% on silver & 1% on gold coinage	..



LIST OF HON'BLE COMPANY'S COVENANTED CIVIL SERVANTS ON THE BENGAL ESTABLISHMENT  
WITH THEIR EMPLOYMENTS, SALARIES AND ALLOWANCES ON 1ST JANUARY, 1784

[*Bengal Civil Servants, Vol. III (1784-87), I. O. R.*]

Names	Arrival	Rank at Arrival	Present rank ; Employment	Salary and other allowances (Sicca Rs.)	Monthly Income Rs. A. P.	Annual Income Rs. A. P.
1 W. Hastings	..	..	Governor General	Salary at 25,000 per annum at the exchange by which it is monthly paid him being 1s. 9 <sup>11</sup> / <sub>16</sub> d. per current Rupees Allowance of S. Rs. 6,500 For a Garden house, S. Rs. 500 Rent of Governor-General's Town house, S. Rs. 1,625 Ditto of the family house S. Rs. 1,200	23,604 2 8	
				Batta 16 p.c.	3,325 532 Total	3,857 0 0 27,461 2 8 3,29,534 0 0
2 Ed. Wheler, Esq.	11 Dec., 1777	..	Second in Council	Salary at S. Rs. 10,000 per annum at the above exchange Allowance of House Rent as second member of Bengal Government, S. Rs. 1,000	9,441 10 8 1,160 0 0 10,601 10 8	1,27,220 0 0
3 John Macpherson, Esq.	1 Oct., 1784	..	Third in Council	Salary at 10,000 per annum at the above exchange	9,441 10 8	1,13,300 0 0
4 John Stable, Esq.	6 Nov., 1782	..	Fourth in Council	Salary at 10,000 per annum at the above exchange	9,441 10 8	1,13,300 0 0

5 Will. Barton, Esq.	20 Aug., 1762	Writer	President of the Board of Trade	Family allowance, Rs. 20 Allowance as President of Board of Trade, Rs. 1,666-11-9 House Rent as above. Rs. 1,080-0-0 Commission at 2% on the Invoice value of Diamonds exported on the Hon'ble Com- pany's freighted ships, com- puted by its produce from 1 Feb., 1779 to 30 April, 1783, Rs. 839-13-10 Consulage at 2% on the Sales of Coral imported by ditto, estimated by the pro- portion which these bear to the duties collected by the Hon'ble Company in the same period, Rs. 88-4-5	3,694 14 0	44,338 8 0
6 Ed. Stephenson, Esq.	..	..	First Member, Board of Trade	Allowance as a Member, Rs. 1,250-0-0 Family allowance, Rs. 20-0-0	1,270 0 0	15,240 0 0

(Total Number on the Establishment on 1 January, 1784, was 263.)

## APPENDIX D

### A NOTE ON THE SCALE OF SALARIES OF THE CIVIL SERVANTS OF THE COMPANY

(from Proceedings of the President and Council, Bengal,  
dated Oct. 3, 1757 A.D.)<sup>1</sup>

Account of salary due to the Hon'ble Company's covenanted servants for six months<sup>2</sup>  
from the 25th March to the 29th Sept., 1757:—

	Rs.	A.	P.	Rs.	A.	P.
<b>The Hon'ble Roger Drake Esq.—</b>						
Salary 6 months at £200 per annum ..	..	800	0	0		
Gratuity 6 months at £100 ..	..	400	0	0	1,200	0 6
<b>Charles Manningham, Esq.—</b>						
Salary 6 months at £40 per annum ..	..	160	0	0		
Gratuity 6 months at Rs. 4,000 ..	..	1,777	12	6	1,937	12 0
<b>Major James Killpatrick—</b>						
Salary 6 months at £40 per annum ..	..	160	0	0		
Richard Bechor, Esq. ..	..	160	0	0	3,457	12 6
William Frankland, Esq., salary 6 months at £40 p.a.	..	160	0	0		
Mathew Collett, Esq., salary 6 months Ditto ..	..	160	0	0		
William Mackett, Esq., salary 6 months Ditto ..	..	160	0	0		
Peter Amyalt, Esq., salary 6 months Ditto ..	..	160	0	0		
Thomas Boddam, Esq., salary 6 months Ditto ..	..	160	0	0	4,257	12 6
<b>The Rev. Richard Cobbe—</b>						
Salary at £50 per annum 4m. 3d., £17 9s 4d ..	..	139	11	6		
Gratuity at £50 per annum 4m. 3d., £17 9s 4d ..	..	139	11	6	279	7 0
<b>Senior merchants at £40 per annum—</b>						
<b>Messrs. Richard Court—</b>						
Salary 6 months ..	..	160	0	0		
Gratuity as sub-accomptant 6 months ..	..	250	0	0		
Gratuity as sub-Zemindar 6 months ..	..	250	0	0		
Gratuity for keeping the mayor's court book ..	..	125	0	0	785	0 6
<b>John Cooke—</b>						
Salary 6 months ..	..	160	0	0		
Gratuity as Secretary ..	..	500	0	0	660	0 0
					1,445	0 0

<sup>1</sup> Quoted in *Selections from Unpublished Records of Government for the years 1748 to 1767*, by Rev. J. Long, Vol. I, No. 249.

<sup>2</sup> It was common then to pay salaries every six months but men had other perquisites and therefore, the delay was not so inconvenient. Private trade brought in far more profit.

## SCALE OF SALARIES OF THE CIVIL SERVANTS

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			Rs.	A.	P.	Rs.	A.	P.
<i>Junior Merchants at £30 per annum</i>								
Messrs. Luke Sraffton—								
Salary 6 months	..	..	..	..	..	120	0	0
William Ellis, salary 6 months, as Factor	..	..	..	..	..	..	..	..
£4 12s 6d (3mt. 21 days)	..	..	37	0	0	..	..	..
William Ellis, salary 6 months, as Jr. Merchant	..	..	..	..	..	..	..	..
(2m. 13d. at £6 1s 8d)	..	..	48	10	6	85	10	6
Culling Smith—								
Salary as Factor 3m. 21d. £4 12s 6d	..	..	37	0	0	..	..	..
As Jr. Merchant 2m. 13d. £6 1s 8d	..	..	48	10	6	..	..	..
Gratuity as Sub-Import Warehouse keeper	..	..	250	0	0	335	10	6
<i>Factors at £15 per annum</i>								
Messrs Charles O'Hara—								
Salary 6 months	..	..	60	0	0	..	..	..
Gratuity as Sub-Treasurer	..	..	250	0	0	310	0	0
W. Ride, salary 6 months	..	..	..	..	..	60	0	0
J. Johnstone, salary 6 months	..	..	..	..	..	60	0	0
F. Sykes, salary 6 months	..	..	..	..	..	60	0	0
						1,031	5	0
						7,013	8	6
<i>Doctors at £36 per annum</i>								
G. Gray, salary 6 months	..	..	144	0	0	..	..	..
W. Fullerton, salary 6 months	..	..	144	0	0	288	0	0
						7,301	8	6
<i>Writers at £5 per annum—</i>								
Messrs W. Hay, salary 6 months	..	..	20	0	0	..	..	..
R. Marriott, salary 6 months	..	..	20	0	0	..	..	..
etc. etc.	..	..	..	..	..	380	0	0
						7,681	8	0
						960	3	6
						8,641	11	6
Total sicca rupees .. 7,681 8 0								
Batta 12½% .. 960 3 6								
Current rupees .. 8,641 11 6								
<b>Errors excepted</b>								
<b>R. Becher,</b>								
<i>Accountant.</i>								

**GENERAL ABSTRACT OF THE SALARY AND EMOLUMENTS OF  
THE COMPANY'S CIVIL SERVANTS AT FORT WILLIAM  
AND SUBORDINATES FROM 1762 TO 1772**

(*Vide* Ninth Report from the Committee of Secrecy of the House of Commons to enquire into the State of the East India Company, dated the 30th June, 1773, p. 503, I. O. R.)

Years	Council	Senior Merchants	Junior Merchants	Factors	Writers	Chaplains	Surgeons	Amount of Salary and emoluments Current Rupees	or	£ Sterling
1762	10	..	9	19	27	1	2	1,55,014	9	17,439 2 10
1763	13	..	8	18	36	2	2	1,65,842	14	18,057 6 6
1764	14	..	3	21	43	2	4	1,74,786	7	19,663 9 6
1765	14	..	15	11	51	1	4	2,03,071	1	22,845 9 11
1766	11	..	14	11	76	1	4	1,82,407	3	20,520 16 2
1767	11	..	16	11	88	2	4	2,00,181	12	22,520 9 0
1768	12	8	9	28	63	1	4	2,20,013	5	24,751 9 11
1769	10	6	7	27	62	2	4	2,11,552	1	23,799 12 2
1770	12	4	13	43	106	..	2	1,77,031	2	19,916 0 0
1771	7	9	23	41	80	..	..	1,79,170	15	20,156 14 7
1772	14	4	33	39	118	..	..	1,78,936	9	20,130 7 3
								20,48,008	0 0	230,400 17 11

'And your Committee called for the several states of the salaries, allowances, and gratuities held by the Company's Servants at their settlements in India, which were presented by Wilks and Mr. Hoole, & which are as follows; viz.:'

[Ninth Report from the Committee of Secrecy appointed by the House of Commons to enquire into the State of the E. I. Company, 1773 (I. O. R.), p. 400.]

An account of the stated salaries and allowances to the Company's Civil Servants in India together with that of their commission upon Indian revenues.

	Salary and allowances			Commission on the revenues		
	Bengal	Fort St. George	Bombay	Bengal	Fort St. George	Bombay
	£	£	£	£	£	£
The Governor, p.a.	4,800	3,000	1,668 15	18,516 6	4,037 5	3,000
Second in Council	368 15	276 10	287 9	2,687 17	1,057 7	900
Third in Council	342 13	129 10	145 0	1,194 12	480 12	450
Fourth in Council	342 13	129 10	125 0	1,194 12	480 12	450
The rest in Council, each	342 13	129 10	125 0	1,194 12	480 12	450
Senior merchants, each	81 0	80 0	85 0			
Junior merchants, each	75 0	70 0	75 0			
Factors, each	60 0	60 0	70 0			
Writers, each	50 0	60 0	60 0			

**MEMORANDUMS :** Besides salary and diet, such as are not provided with apartments, are allowed house rent; viz. at Bengal, £30 per annum; at Bombay, £30.

The above salaries and allowances are exclusive of any emoluments from a chiefship, or any other office or employ.

The words 'rest in Council' at Bengal include 7, at Fort St. George 7, and at Bombay 6 members.

**EAST INDIA HOUSE :** }  
The 11th June, 1773. }

**JOHN HOOLE,**  
Auditor of Indian Accounts.

## APPENDIX E

EXTRACTS FROM A LETTER WRITTEN BY MR. VERELST ON THE  
EVE OF RESIGNING HIS GOVERNORSHIP, TO JOHN CARTIER,  
ESQ. AND THE GENTLEMEN OF THE COUNCIL OF FORT  
WILLIAM, DATED DECEMBER 16TH, 1769, GIVING A PIC-  
TURE OF THE CONTEMPORARY CONDITION OF BENGAL<sup>1</sup>

“ The ascendancy of the English in Hindostan, is in the number of those events which are distinguished by a series of fortunate and unforeseen occurrences ; not the result of any fixed or connected plan of policy. A colony of merchants, governed by laws, and influenced by principles merely commercial ; have acquired a political title and influence over a country ; which for extent, populousness, and annual revenue, may be compared to many the most consequential states of Europe ; that commerce which was once prosecuted in subjection to a tyrannical government, ever ready to take advantage of our weakness, and to construe the slightest omissions into encroachments, is now but a secondary consideration ; and the native authority being too weak to controul the power which our agents derive from our name, the rights of the natives have been generally superseded. The substantial have declined risking their property in trade under such disadvantages, and the poor and industrious receive but a faint encouragement to their labours ; we see, we feel, the increasing poverty of the country, from the diminution of specie, as well as the slowness and partiality of its circulation ;.....

<sup>1</sup> Vide H. Verelst, *A View of the Rise, Progress, and Present State of the English Government in Bengal* (1772), App. No. XXVII, pp. 120-24.

“ The native government is now fallen in the eyes of the inhabitants, yet such restrictions have hitherto cramped our proceedings, as to prevent us from taking that intimate part which our present character and dignity require.....

“ In the infancy of our settlement, with all our care and prudence, we could ill defend ourselves from the forged accusations or open attacks of the government ; we looked no farther than the provision of the Company’s investment ; we sought advantages to our trade with the ingenuity, I may add, selfishness of merchants. All our laws were local and municipal, reaching no farther than our own exigencies and conveniencies ; all our servants and dependents were trained and educated in the same notions ; the credit of a good bargain was the utmost scope of their ambition.

“ No sooner did we begin to feel our own strength, than our successes followed one another with such rapidity, as to advance us from a state of obscurity or mediocrity, to power, affluence, and national reputation. At length we saw ourselves, though yet under the name of merchants, masters and administrators of a legislative authority : we began to plan, direct, and inspire every measure of government, whether with regard to foreign treaties or domestic regulations..... But this was rather a temporary than a solid situation ; and we soon discovered, that though our acquisitions had been made in so short a space as scarcely to be paralleled, considering their immensity, yet a well digested system was necessary to introduce permanency in our establishment. The defects and imperfections of which were too apparent to escape our observation. Our dependents, accustomed to apply their talents to present gain, and to extract advantages from the smallest opening, assumed an importance proportionable to our successes, grew immoderate, and disclaimed their dependency on the native government.

“ In this situation we could not retract without exposing ourselves to a second stage of obscurity, perhaps lower than the first. Our circumstances, impelled us forward, and the grant of the Dewanny became as much an object of necessity as it was of advantage. Thus we insensibly broke down the barrier betwixt us and government, and the native grew uncertain where his obedience was due. Such a divided and complicated authority gave rise to oppressions and intrigues unknown at any other period; the officers of government caught the infection, and being removed from any immediate controul, proceeded with still greater audacity.

“ In the mean time we were repeatedly and peremptorily forbid to avow any public authority over the officers of government in our own names, and enjoined to retain our primitive characters of merchants with the most scrupulous delicacy.

“ The consequences are but too evidently exemplified in the decline of commerce and cultivation, the diminution of specie, and the general distresses of the poor; a train of evils which could only have sprung from the above causes, since every advantage of a long and uninterrupted tranquility has been on our side. Experience must convince the most prejudiced, that to hold vast possessions, and yet to act on the level of mere merchants, making immediate gain our first principle; to receive an immense revenue, without possessing an adequate protective power over the people who pay it; to be really interested in the grand and generous object, the good of the whole, and yet to pursue a narrow and partial end;—are paradoxes not to be reconciled, highly injurious to our national character, dangerous to the best defended establishment, and absolutely bordering on inhumanity.

“ The people give us the labour of their hands, and in return we owe them our protection; common prudence,



as well as laws of society, require that those obligations should be reciprocal; or the tie must soon be dissolved; for the firmest security of every government is the affections of the people; and for obtaining them, there never, perhaps, presented a more favourable opportunity, or more noble field, than what the English possess in Bengal. The mildness of our government, properly diffused over these provinces, will form so conspicuous a contrast to Mahomedan despotism, that it must bind them to us and our cause for ever.....

“ To form such an administration, I not only think possible but easy. I would propose that, from the admission of a member into Council, he put an entire conclusion to his trade; and, in lieu of it, that he receive a certain allowance, chargeable upon the country; which allowance should be augmented in proportion to the improvements made, and its internal prosperity: a method of reward the most honourable that can be devised for those that are to receive it, and the most beneficial to the community, being unincumbered with the consequences, anxieties, and relations of private affairs. The members of administration will have a more undivided attention to the public, and their orders be more thoroughly respected, and more vigorously obeyed, etc., etc.”

## APPENDIX F

### FORM OF INSTRUCTIONS TO BE ISSUED BY THE RESIDENT AT THE DURBAR TO THE SEVERAL SUPRAVISORS <sup>1</sup>

To

Mr. ....

SIR,

' As the Board have judged it expedient to appoint supra-visors on behalf of the Company in each particular province, with a view to ascertain in a minute, clear, and comprehensive manner, a variety of circumstances which intimately concern the welfare of the country ; the province of..... is hereby placed under your inspection, and the following objects are pointed out and distinguished under respective heads, as a direction for your conduct, and an explanation of the service expected from you in your department.

#### 1. *A Summary History of the Province*

You are to collect, under this head, the form of the ancient constitution of the province, compared with the present ; an account of its possessors or rulers, the order of their succession, the revolutions in their families, and their connections ; the peculiar customs and privileges which they, or their people—have established and enjoyed ; and, in short, every transaction which can serve to trace their origin and progress, or has produced any material changes in the affairs of the province.

<sup>1</sup> *Vide* Extract of Fort William Select Committee proceedings, dated August 16th, 1769, in H. Verelst, *op. cit.*, Appendix (No. 134), pp. 227-39.

## 2. *The State, Produce, and Capacity of the Lands*

The first measure which should occur to your attention in an enquiry of this nature, is to procure a complete Hustabood, or rent-roll, with the number of Begahs, or measures of land, contained in each district, according to the original surveys and measurements, and the method in which they were laid out and appropriated. The next is to fix the ancient boundaries and divisions. This being completed, you may proceed to trace the alterations which chance, favour, art, or oppression, have gradually produced in the face of the country until the present time. Many portions of land have been added to, or separated from the ancient divisions; these should be rigidly scrutinized and carefully noted. The Zemindars have enjoyed considerable tracts rent free, on various pretences, and for various purposes. The abuses in the bestowal and sale of Talooks are notorious, being generally the reward of the creatures of government, obtained by unwarrantable means, and held with extraordinary immunities. The titles of the present possessors should therefore be examined, together with the valuation of such lands before they became Talooks, and before their owners acquired that independent footing; so that some judgment may be formed of their real revenue, and in what degree the limitation of the grant is exceeded by the quantity now held. Charitable and religious donations, which successive princes have made, many through zeal, but most through vanity,—for no inconsiderable part of some districts: and as it may reasonably be supposed, that in a course of years the produce of such benefactions has been misapplied and perverted, or that the particular persons or societies, in whose support they were granted, have fallen or decayed,—it is expected that you diligently search into and report their true state. You are also to particularize the extent, production and

value of Jagheers; the titles of the present possessors, etc. as in the Talooks. Of the lands called Coss, which are under the immediate superintendence of government, for want of farmers. Of the Uomar, which are lands cultivated by contract. Of the Ryotty, which are tenanted and cultivated by the natives on the spot. And of the waste lands, distinguishing such as are cleared, and have been neglected through a decrease of population, from such as are covered with Jungle.<sup>1</sup>

These informations, provided they be derived from genuine authorities, and confirmed by an accurate inspection of your own, will enable you to compute what the productions of the country, deducting the consumption of the inhabitants, will yield for the purposes of commerce; and how far the wealth and prosperity of it may be augmented by an encouragement being given to the culture of any particular article, either as a necessary of life, or as a material in manufactures.

3. *The amount of the Revenues, the Cesses, or arbitrary Taxes, and of all demands whatsoever which are made on the Ryot, either by Government, Zemeendar, or Collector, with the manner of collecting them; and the gradual rise of every new impost.*

One capital grievance being the inequality of assessments arising from the multitude of Talooks, and sequestered lands above-mentioned, you are to penetrate through the chicanery of those employed, and acquire an exact detail of every particular tax or cess; noting in what particular part of the country the burthen falls, where partial exemptions are allowed, and what is the equitable proportion to the whole. Another grievance, which is equal to the former, is the variety of demands which the collector, from the Aumil and Zemeendar to the lowest

<sup>1</sup> Wood, high grasses or reeds.

Pyke, impose without any colour or licence from the government; some of which have been so long exacted and paid, that the Ryots begin to imagine the oppression is sanctified by government, and is not the mere fraud of the collectors. The multiplying of superfluous agents and inferior collectors may be also deemed a source of extortion; and it is a very essential part of your duty to inform yourself in what respect their numbers have been causelessly increased; to enumerate their perquisites, and how much they may be supposed to exceed them. As likewise the expence and arrangement of Gaunts and public markets, with the duties collected at each upon the inhabitants or traders, and the application of sums to be levied.

Drogahs, Cutwalls, and Pykes, maintained for the protection of the tenants, are, it is to be feared, too often the instruments of their oppression; at least fall very short of answering the end proposed by them. Accounts should be taken of their number and expence, how they are arranged, and how paid.

A third and equally important object of your attention, under this head, is to fix the amount of what the Zemeendar receives from the Ryot, as his income or emolument; wherein they generally exceed the bounds of moderation, taking advantage of the personal attachment of their people, and of the inefficacy of the present restrictions upon them; since the presence of the Aumil more frequently produces a scene of collusion than a wariness of conduct. When the sum of the produce of the lands, and of each demand on the tenant, is thus ascertained with certainty, the proportion of what remains to him for the support of his family, and encouragement of his industry, will clearly appear, and lead us to the reality of his condition.

Amongst the chief effects which are hoped for from your residence in that province, and which ought to employ

and never wander from your attention, are to convince the Ryot that you will stand between him and the hand of oppression ; that you will be his refuge and the redresser of his wrongs ; that the calamities he has already suffered have sprung from an intermediate cause, and were neither known nor permitted by us : . that honest and direct applications to you will never fail producing speedy and equitable decisions : that, after supplying the legal due of government, he may be secure in the enjoyment of the remainder ; and, finally, to teach him a veneration and affection for the humane maxims of our government.

#### 4. *The Regulation of Commerce*

Equal intricacy and similar combinations will be found to oppose your progress in this work. The power, the artifice, the complicated connections of public and private agents, Pycars, and Dellols, will all unite in preserving their usurpations on the manufacturer and Ryot ; which they have hitherto done by precluding their access to our tribunals, and destroying every kind of intercourse between them and us. That one enquiry may precede another without confusion, or blending different causes with different effects, you should open your discoveries with an estimate of the productions of every district, both in quantity and kind ; the amount of manufactures and the number of manufacturers employed in each branch, with the annual duties collected on them ; not confining yourself to the present time, but recurring to past years ; that, at one view, you may discern their state of increase and decrease ; and by remarking the prices and qualities at distinct periods, you will in like manner become acquainted with the improvement or decline in the quality.

Your next consideration is to find the channels through which the several articles, produced by the joint labour of

the manufacturer and cultivator, have been diffused. The proportion which fell to the shares of the English, French, Dutch, and other foreigners, as well as to the native merchant; likewise what was retained for the consumption of the districts themselves; concluding this research with a comparative view of the rise and fall in the demand, and stating the ballance of the trade as it occasionally varied in favour of one or the other merchant. After you have advanced thus far, the most difficult and consequential task still remains for you to surmount; which is, to lay open and abolish the several species of imposition which are practised by Gomastahs, Pycars, Dellols, and the whole chain of agents through whose hands the articles of merchandize pass from the loom of the manufacturer, or the store-house of the cultivator, to the public merchant or exporter; so that clandestine agreements and extraordinary demands may no longer exist, to the utter despondency of the poor; but a way being opened for them to deal with the fair trader, their industry may be quickened by the certainty of their profits.

##### 5. *The Administration of Justice*

It is difficult to determine whether the original customs or the degenerate manners of the Mussulmen have most contributed to confound the principles of right and wrong in these provinces. Certain it is, that almost every decision of theirs is a corrupt bargain with the highest bidder. The numerous offences which are compromised by fines have left a great latitude for unjust determinations. Trifling offenders, and even many condemned on fictitious accusations, are frequently loaded with heavy demands, and capital criminals are as often absolved by the venal judge. Your conduct in all capital offences should be to enforce justice where the law demands it, checking every composition by

fine or mulct; and where any disputes arise in matters of property, you should recommend the method of arbitration to any other; and inculcate strongly in the minds of the people that we are not desirous to augment our revenue by such impositions, but to acquire their confidence by the equity and impartiality of our proceedings, and by our tenderness for their happiness. The arbitrators should be men chosen by the parties themselves, and of known integrity, and whose circumstances may suppose them exempt from venality, and promise best to insure their rectitude. In capital crimes, the sentence should, before execution, be referred to me, and by me to the ministers, that they may ultimately approve or mitigate it, according to the peculiarity of the case. You are farther to observe, that the want of regular registers of all causes and determinations has encouraged the natural propensity of the judge to bribery and fraud, by making him easy with respect to any future prosecution on a rehearing of the cases which have been thus partially determined. Whereas, whilst a reference to records is always open, he must live in perpetual fear of detection. One of these registers should be lodged in the principal Cutcherry of the province, and an authenticated copy transmitted to Murshedabad. As to suits on account of revenues, these will, we are flattered, be much obviated in future by the happy consequences of our possessing a real, local, and undisguised knowledge of the country; which we promise ourselves from the investigations above-mentioned, and from your diligence and exactness in the performance of the several duties.

For the Ryot being eased and secured from all burthens and demands but what are imposed by the legal authority of government itself, and future Pottahs<sup>1</sup> being granted him, specifying that demand; he should be taught that



he is to regard the same as a sacred and inviolable pledge to him, that he is liable to no demands beyond their amount. There can, therefore, be no pretence for suits on that account; no room for inventive rapacity to practise its usual arts: all will be fair, open, regular. Every man will know what he can call and defend as his own; and the spirit of lawless encroachment subsiding, for want of a field for exercise, will be changed into a spirit of industry; and content and security will take place of continual alarms and vexations.

I shall now proceed to give you such instructions for effecting the above points, as experience has proved to be most eligible; .....” [Then follow minute and detailed instructions under each of the above heads. The letter concludes as follows.]

Having now spoken to all points which at present occur, and are looked for from your appointment, I shall here subjoin some remarks on the importance of the object, and your own conduct in the pursuit of it.

Your commission entrusts you with the superintendence and charge of a province, whose rise and fall must considerably affect the public welfare of the whole. The exploring and eradicating numberless oppressions which are as grievous to the poor as they are injurious to the government; the displaying of those national principles of honour, faith, rectitude, and humanity, which should ever characterise the name of an Englishman; the impressing the lowest individual with these ideas, and raising the heart of the Ryot from oppression and despondency to security and joy, are the valuable benefits which must result to our nation from a prudent and wise behaviour on your part. Versed as you are in the language, depend on none, where you yourself can possibly hear and determine. Let access to you be easy, and be careful of the conduct of your dependents. Aim at no undue influence yourself, and check it in all others. Great share of integrity, disinterested-

ness, assiduity, and watchfulness is necessary, not only for your own guidance, but as an example to all others; for your activity and advice will be in vain unless confirmed by example. Carefully avoid all interested views by commerce, or otherwise, in the province, whilst on this service; for, though ever so fair and honest, it will awaken the attention of the designing, double the labour of developing stratagems, and of removing burthens and discouragements with which the commerce of the country in general has been loaded. You have before you a large field to establish both a national and private character; lose not the opportunity, which is to be temporary only, for your whole proceedings will be quickly revised; a test which the board consider due to themselves, as a confirmation of the propriety of their choice; to you, as an act of justice to your conduct; and to the public, for the security of its interests. As the extent and importance of your trust are great, so in proportion will be the approbation or censure, arising from your good or ill conduct in it, be attended with unusual distinction or particular severity. Sentiments which I convey to you, to show the degree of confidence the Board repose in your integrity and abilities; but by which I mean not the remotest suspicion, either in them or myself, of your disappointing their expectations.

You are to be careful to acquaint me, or the resident at the Durbar for the time being, with every material circumstance worthy of remark; your correspondence must, consequently, be regularly and closely kept up; and you are to follow all such farther orders as I may judge necessary to send you.

I wish you success in this undertaking, and am,

Sir, your most obedient humble servant,

## APPENDIX G

### REGULATIONS FOR THE SETTLEMENT AND COLLECTION OF THE REVENUE—PASSED ON MAY 14TH, 1772 <sup>1</sup>

1st. That the farms shall be let for the fixed term of five years; to commence from the 1st. of this instant, Bysaac 1179, or the 10th April, 1772.

2nd. That the farms shall consist of entire Pergunnahs, provided they do not exceed the annual amount of one lack of rupees; in which case, they shall be divided into such equal proportions, as shall reduce the amount of each considerably below that sum, unless the acknowledged responsibility and good character of the farmer shall support his pretensions to rent the whole Pergunnah; and that all villages or portions of lands, which have been hitherto let in separate farms, shall be re-annexed to the Pergunnahs to which they originally belonged.

3rd. That a Committee of the Board shall be appointed to go on a circuit through the province, and to form the Bundibust or settlement at the Sudder Cutcherry of each district.

4th. That the said Committee shall consist of the President and four Members from the Board, *viz.* Messrs. Middleton, Dacres, Lawrell, and Graham.

5th. That the settlement of the districts of Hugly, Hedgelee, Calcutta Pergunnahs, Burdwan, Midnapore, Beerbhoom, Bissenpore and Pacheat, shall be determined by the remaining Members of the Board.

<sup>1</sup> *Vide* Fifth Report from the Committee of Secrecy of the House of Commons (December 1st, 1772 to November 30th, 1773), appointed "to enquire into the State of the East India Company, etc...."

6th. That as the Company have determined to stand forth as Duan, the servants employed in the management of the collections shall be henceforward styled "Collectors", instead of the present appellation of "Supervisors."

7th. That a fixed Dewan shall be chosen and nominated by the Board, who shall be joined with the collector in the superintendency of the revenues. That he shall keep separate accounts of the collections, according to the established forms of the country, countersign all orders circulated in the Mofussil, all receipts granted to the farmers, and all invoices and accounts transmitted to the Sudder.

8th. That the collector shall not use his own private seal in the execution of the business; but that a general seal be struck, with a proper inscription, in the name of the Company, as Dewan of the provinces; and that one be lodged with each collector, to be by him affixed to all public deeds and orders, where the custom of the country and rules of the service render it necessary. And wherever this seal is affixed, the collector shall attest it with his name.

9th. That neither the Collector nor Dewan shall send Sepoys, Peons or any other persons with authority, into the lands belonging to the farmers, excepting only on such occasions as shall indispensably require it for the maintenance of the peace or the immediate execution of justice, in which the authority of the farmer shall be insufficient; that on such occasions a warrant under the public seal, and signed by the collector, shall be given in writing to the officer employed, and be recorded in the judicial proceedings, with the reasons for issuing it; but that no person be summoned on ordinary occasions, except by a Tullub Chitty to the farmer, or order, requiring him to produce the person summoned in a certain space of time.

10th. That the farmer shall not receive larger rents from the Ryots than the stipulated amount of the Pottahs, on any pretence whatsoever ; and that for every instance of such extortion, the farmer on conviction, shall be compelled to pay back the sum which he shall have so taken from the Ryot, besides a penalty equal to the same amount to the Sircar : and for a repetition or a notorious instance of this oppression of his Ryots, the farmer's lease shall be annulled.

11th. That the farmer's payments to government shall in like manner be ascertained and established, and no demand be made upon them above what shall be expressed in the Doul or rent-roll delivered them with their lease.

12th. That no Mhatoots or assessments, under the name of Mangun, Baurie Gundee, Sood or any other Aboab or tax, shall be imposed upon the Ryots ; and that those articles of Aboab which are of late establishment, shall be carefully scrutinized, and at the discretion of the Committee abolished, if they are found in their nature to be oppressive and pernicious.

13th. That all Nazzars and Salamies, which are usually presented at the first interview as marks of subjection and respect, be totally discontinued, as well to the superior servants of the Company and the collectors, as to the Zemindars, farmers and other officers.

14th. That the old farmer shall settle his accounts with such of the Ryots as are forth-coming, in the presence of the new farmer or his agents, and the balances which shall be proved shall be on account of the new farmer.

15th. That a Mohrir, or writer of accounts, shall be appointed on the part of the government to every farm, who shall take an account of all the receipts of the rents with the farmer, and transmit the same monthly to the collector at the Sudder Cutcherry of the province, but without any authority to interfere in the collections.

16th. That the collector be forbid, on pain, of dismission from his office, to be concerned directly or indirectly, in the purchase or sale of grain.

17th. That no Peshear, Banyan, or other servant, of whatever denomination, of the collector, or relation or dependant of any such servant, be allowed to farm lands, nor directly or indirectly to hold a concern in any farm, nor to be security for any farmer; that the collector be strictly enjoined to prevent such practices; and that, if it shall be discovered that any one, under a false name, or any kind of collusion, hath found means to evade this order, he shall be subject to a heavy fine, proportionate to the amount of the farm, and the farm shall be re-let or made Khass: and if it shall appear, that the collector shall have countenanced, approved, or connived at a breach of this regulation, he shall stand, *ipso-facto*, dismissed from his collectorship; neither shall any European, directly or indirectly, be permitted to rent lands in any part of the country.

18th. That it be given in especial charge to the committee to find out some means of preventing the practice of lending money on exorbitant usury, by which the Ryots are often involved in heavy debts, without the hope, or scarce the possibility of relief; and not only the fruits of their industry, but often the farmer's dues (which in effect, are those of the state) become the property of the money-lenders. That in the meantime the collector be forbid, on pain of removal from his office, either to lend money himself, or to suffer his Banyan, or any other of his servants or dependants, to lend money to the Zemindars, Talukdars, farmers, Ryots, or any other person whatever, within the district of which he shall have charge. That in like manner the Zemindars, Talukdars, Shiedars, and other officers of the government, be forbid to lend money to the Ryots: And that all debts contracted contrary to

the tenor of this order, after the publication of it, shall be void : That this restriction is not to prevent the farmer from affording the usual and necessary aids of Tuccabee to the Ryots, but the premium of such advances be fixed at two per cent. per mensem, and payment received, not in kind, but in money.

19th. And to relieve the farmer from the necessity of borrowing money for the payment of his Kists or instalments, that the Kistbundee for the ensuing leases be so regulated, as that Kists may be made payable at the usual periods of the harvest, proportioned to the estimated quantity and value of the crops, and as local circumstances shall direct.

20th. That to enable the Committee to fix the necessary establishments in each district for its safeguard and protection, and preserving peace and tranquility, the collector be instructed to prepare and have in readiness accurate accounts of the Chakaran lands, together with a detail of the purposes for which they have been allotted, and their opinion of the number of land-servants it will be necessary to retain for the service above expressed.

21st. That all Zemindaree Chowkies shall be abolished, and none kept but such as immediately depend on the government under the Puchuttera, Bucksbbunder, and Shahbunder, subject to such regulations as shall be hereafter established.

22nd. That orders be sent through the channel of the board of revenue to the collectors, to publish the substance of the above resolutions, with lists of the Pergunnahs respectively under their charge, or other divisions proposed for farm by the second resolution : and to advertise for sealed proposals, from such as are willing to take farms to be delivered in at the Sudder Cutcherry of each district, by the 1st of Sawan or 10th of July, excepting the provinces of Nuddea and Jessore ; the proposals for the former of which to be delivered in at Kishnagur the 1st of Assar,

or 10th of June; and for the latter the 5th of Aṣṣar or 15th of June.

23rd. That orders be also sent to the collectors to prepare an exact and explicit rent-roll of each farm; arranged in Pergunnahs, together with full account of all charges, Sudder and Mufussul, accompanied with an explanation of their use, and reasons for their being deemed necessary. To render the rent-roll more perfect, they are further to prepare a separate account, tracing the Jumma of each farm to the highest value it has ever stood at, and assigning the cause of its decrease to the present standard.

24th. That as the supervisorship of Dacca, not only from the extent of its limits and the magnitude of its revenue, but also from its being entirely composed of a multitude of inconsiderable Zemindarees, or Taluks, appears to be a charge of too complicated a nature to be managed by the Chief at Dacca, at the present seat of its residence, with proper care and success; and as it appears further, that many of the subsidiary districts, annexed to the other supervisorships, are in their situation so distant and scattered as to be liable to the same inconveniences, the committee shall be authorized, so to regulate the Dacca province, and those subsidiary districts, as to bring them into a proper compass for the management of a collector, and within the scope and efficacy of these regulations.

ADDITIONAL REGULATIONS REGARDING THE SETTLEMENT—  
PASSED ON MAY 28TH, 1772

That such farmers as desire it, shall be permitted to pay their Kists immediately into the Treasury at Calcutta, instead of the Sudder Cutcherry of the District; but in such case the payments shall be made in ready money, not in bills; nor shall a longer delay be allowed in the



payment after the expiration of the stipulated term of the Kist, than twenty days for the most distant parts of the province, and a proportionate time for the rest.

That the offices and forms which are now established, for the administration of justice in the districts of the province, shall be examined and new regulated, upon such a footing as shall be most conducive to the security of property, and the general ease of the people, by facilitating the access to justice, by expediting its decrees, and rendering equal right to all men. If the party in any cause shall not be satisfied with the decree of the court of the district, he shall be allowed an immediate appeal to the governor in Calcutta, where the cause shall be reheard, and finally decided, by Courts duly constituted for the purpose.

That all persons shall have access to the papers of the Jumma, Wassil, Baukee, at the Sudder Cutcherry of each district and at the collector's office in Calcutta.

Resolved, that these be also translated into the Bengali and Persian languages, and sent to Moorshedabad, with directions to add to the advertisement, That all persons shall have access at the Sudder Cutcherry of each district, to the rent-roll, and Jumma-Wassil-Baukee accounts.

## APPENDIX H

### SHORT TITLES OF SOME IMPORTANT REGULATIONS OF 1793 (CORNWALLIS CODE)

*Passed, on 1 May, 1793 :—*I. A Regulation for enacting into a Regulation certain Articles of a Proclamation bearing date, the 22nd of March, 1793, declaring the assessment of land revenue in Bengal, Bihar and Orissa to be permanent.

II. A Regulation for abolishing the Courts of Maal Adawlut or Revenue Courts, and transferring the trial of the Suits which were cognizable in those Courts to the Courts of Dewanny Adawlut ; and prescribing rules for the conduct of the Board of Revenue and the Collectors.

III. A Regulation for extending and defining the jurisdiction of the Courts of Dewanny Adawlut, or Courts of Judicature, for the trial of Civil Suits in the first instance, established in the several Zillahs, and in the cities of Patna, Dacca, and Moorshidabad.

IV. A Regulation defining and elaborating the procedure in the Courts of Dewanny Adawlut.....

V. A Regulation for establishing four Provincial Courts of Appeal for hearing appeals from decisions passed in the several Zillahs, and the three City Courts, and defining their Powers and Duties ; and prescribing rules for receiving and deciding upon appeals, and other causes of which they are declared to have cognizance.

VI. A Regulation extending and defining the powers and duties of the Courts of Sudder Dewanny Adawlut, and prescribing Rules for receiving and deciding upon appeals from the decisions of the Provincial Courts of Appeal.

VII. A Regulation for the appointment of Vakeels or native pleaders in the Courts of Civil Judicature in Bengal, Bihar and Orissa.

VIII. A Regulation for re-enacting, with modifications and amendments, the rules for the Decennial Settlement of the public revenue payable from the lands of the Zemindars, independent Talookdars and other actual proprietors of land, etc.

IX. A Regulation for re-enacting with alterations and modifications, the Regulations passed by the Governor-General in Council on December 3rd, 1790, and subsequent dates, for the apprehension and trial of persons charged with crimes or misdemeanours.

\* \* \* \* \*

XII. A Regulation for the appointment of the Hindu and Mahomedan law officers of the Civil and Criminal Courts of Judicature.

\* \* \* \* \*

XIV. A Regulation for the recovery of arrears of the public Revenue assessed upon the lands from Zemindars and other actual proprietors of land.

\* \* \* \* \*

XVII. A Regulation empowering Landholders to distrain and sell the personal property of under-farmers, Ryots and others for arrears of rent or revenue, and for preventing Landholders from confining or inflicting corporal punishment on their undertenants to enforce payment.

XVIII. A Regulation for preserving the records of the Civil and Criminal Courts.

\* \* \* \* \*

XX. A Regulation for empowering the Zillah and City Courts, the Provincial Courts of Appeal and the Sudder Dewanny Adawlut and the Nizamut Adawlut, to propose regulations regarding matters coming within their cognizance.

\* \* \* \* \*

XXII. A Regulation for re-enacting, with alterations and amendments, the regulations passed by the Governor-General in Council on December 7th, 1792, for the establishment of an efficient police throughout the country.

XXIII. A Regulation for raising an annual fund for defraying the expense of police establishments entertained under Regulation XXII of 1793.

\* \* \* \*

XXV. A Regulation for prohibiting British subjects (excepting King's officers serving under the Presidency of Fort William and Civil covenanted servants of the Company and their military officers) residing at a greater distance from Calcutta than ten miles, unless they render themselves amenable to the Courts of Dewanny Adawlut, in civil suits which may be instituted against them by any of the descriptions of persons mentioned in Sec. 7, Regulation III, 1793; and for enabling British subjects to recover any demands recoverable under the Regulations which they may have upon such persons.

\* \* \* \*

XXXI. A Regulation for re-enacting the rules passed on the 23rd of July, 1787, and subsequent dates, for the conduct of the Commercial Residents, and Agents, and all persons employed in the provision of the Company's Investment.

\* \* \* \*

XXXVIII. A Regulation for re-enacting, with modifications, such parts of the Rule passed on the 27th of June, 1787, as prohibits covenanted civil servants of the Company employed in the administration of justice, or the collection of public revenue, lending money to Zemindars, and others holding farms immediately of Government, or the underfarmers, or Ryots, etc., and for re-enacting with alterations, the existing rules prohibiting Europeans of any description,

holding possession of lands that may be mortgaged to them, or purchasing or renting lands for any purpose without the sanction of the Governor-General in Council.

\*   \*   \*   \*   \*

XL. A Regulation for granting commissions to Natives to hear and decide civil suits for sums of money or personal property, of a value not exceeding fifty sicca rupees; and prescribing rules for the trial of the suits, and enforcing the decisions which may be passed upon them.

\*   \*   \*   \*   \*

XLI. A Regulation for forming into a regular code all Regulations that may be enacted for the internal government of the British territories in Bengal.

[*Note*.—There were altogether fifty-one Regulations passed on the same date.]

## APPENDIX I

### EXTRACTS FROM THE GOVERNOR-GENERAL'S NOTES FOR AN OFFICIAL DESPATCH, TO BE FORWARDED TO THE COURT OF DIRECTORS, WITH RESPECT TO THE FOUNDATION OF A COLLEGE AT FORT WILLIAM

FORT WILLIAM, 10 JULY, 1800 <sup>1</sup>

“ The British possessions in India now constitute one of the most extensive and populous empires in the world. The immediate administration of the Government of the various provinces and nations composing this empire, is principally confided to the European civil servants of the East India Company.

The duty and policy of the British Government in India, therefore, require that the system of confiding the immediate exercise of every branch and department of the government to Europeans, educated in its own service, and subject to its own direct control, should be diffused as widely as possible, as well with a view to the stability of our own interests, as to the happiness and welfare of our native subjects. This principle formed the basis of the wise and benevolent system introduced by Lord Cornwallis, for the improvement of the internal government of the provinces immediately subject to the Presidency of Bengal.

2. In proportion to the extension of this beneficial system, the duties of the European civil servants of the East India Company are become of greater magnitude and

<sup>1</sup> See *Home Miscellaneous Series*, No. 487, pp. 63-142 (I. O. R.). See also *Parliamentary Paper* (House of Commons), Vol. X of 1812-13, pp. 3-18.

importance. The denominations of writer, factor and merchant, by which the several classes of civil service are still distinguished, are now utterly inapplicable to the nature and extent of the duties discharged, and of the occupations pursued by the civil servants of the Company.

3. To dispense justice to millions of people of various languages, manners, usages and religions ; to administer a vast and complicated system of revenue throughout districts equal in extent to some of the most considerable Kingdoms in Europe ; to maintain civil order in one of the most populous and litigious regions of the world ; these are now the duties of the larger proportion of the civil servants of the Company. The Senior Merchants, composing the five Courts of Circuit and Appeal under the Presidency of Bengal, exercise in each of those Courts a Jurisdiction of greater local extent, applicable to a larger population, and occupied in the determination of causes infinitely more intricate and numerous than that of any of the regularly constituted courts of justice in any part of Europe. The Senior or Junior merchants, employed in the several magistracies and Zillah Courts, the writers or factors filling the stations of registers and assistants to the several courts and magistrates, exercise, in different degrees, functions of a nature either purely judicial or intimately connected with the administration of the police, and with the maintenance of the peace and good order of their respective districts. Commercial and mercantile knowledge is not only unnecessary throughout every branch of the judicial department, but those civil servants who are invested with the powers of magistracy, or attached to the judicial department in any ministerial capacity, although bearing the denomination of merchants, factors or writers, are bound by law, and by the solemn obligation of an oath, to abstain from every commercial and mercantile pursuit ; the mercantile title which they

bear, not only affords no description of their duty, but is entirely at variance with it.

4. The pleadings in the several courts, and all important judicial transactions, are conducted in the native languages; the law which the Company's judges are bound to administer throughout the country, is not the law of England, but that law to which the natives had long been accustomed under their former sovereigns, tempered and mitigated by the voluminous regulations of the Governor-General in Council, as well as by the general spirit of the British constitution. These observations are sufficient to prove, that no more arduous or complicated duties of magistracy exist in the world, no qualifications more various or more comprehensive can be imagined, than those which are required from every British subject who enters the seat of judgment within the limits of the Company's empire in India.

5. To the administration of the revenue, many of the preceding observations will apply with equal force; the merchants, factors, and writers employed in this department, also are bound by law to abjure the mercantile denomination appropriated to their respective classes in the Company's service; nor is it possible for a collector of the revenue, or for any civil servant employed under him, to discharge this duty with common justice either to the state or to the people, unless he shall be conversant in the language, manners, and usages of the country, and in the general principles of the law as administered in the several courts of justice. In addition to the ordinary judicial and executive functions of the judges, magistrates, and collectors, the judges and magistrates occasionally act in the capacity of governors of their respective districts, employing the military and exercising other extensive powers. The judges, magistrates, and collectors, are also respectively required by law to propose from time to time



to the Governor-General in Council such amendments of existing laws, or such new laws as may appear to them to be necessary for the welfare and good government of their respective districts. In this view, the civil servants employed in the departments of judicature and revenue, constitute a species of subordinate legislative council to the Governor-General in Council, and also a channel of communication by which the government ought to be enabled at all times to ascertain the wants and wishes of the people. The remarks applied to these two main branches of the civil service, namely, those of judicature and revenue, are at least equally forcible in their application to those branches which may be described under the general terms of the Political and Financial Departments ; comprehending the offices of the chief secretary, the various stations in the secretary's office, in the treasury, and in the office of Accountant General, together with all public officers employed in conducting the current business at the seat of government : To these must be added the diplomatic branch, including the several residencies at the courts of our dependent and tributary princes, or of other native powers of India.

6. It is certainly desirable, that all these stations should be filled by the civil servants of the Company ; it is equally evident, that qualifications are required in each of these stations, either wholly foreign to the commercial habits, or far exceeding the limits of a commercial education.

7. Even that department of this empire which is denominated exclusively commercial, requires knowledge and habits different in a considerable degree from those which form the mercantile character in Europe ; nor can the Company's investment ever be conducted with the greatest possible advantage and honour to themselves, or with adequate justice to their subjects, unless their

commercial agents shall possess many of the qualifications of statesmen, enumerated in the preceding observations. The peace, order, and welfare of whole provinces may be materially affected by the malversations or even by the ignorance and errors of a commercial resident, whose management touches the dearest, and most valuable interest, and enters into the domestic concerns of numerous bodies of people, active and acute from habitual industry, and jealous of any act of power injurious to their properties or contrary to their prejudices and customs.

8. The civil servants of the English East India Company therefore can no longer be considered as the agents of a commercial concern, they are in fact the ministers and officers of a powerful sovereign; they must now be viewed in that capacity, with reference not to their nominal but to their real occupations; they are required to discharge their functions of magistrates, judges, ambassadors and governors of provinces, in all the complicated and extensive relations of these sacred trusts and exalted stations, and under peculiar circumstances which greatly enhance the solemnity of every public obligation, and aggravate the difficulty of every public charge. Their duties are those of statesmen in every other part of the world, with no other characteristic differences than the obstacles imposed by an unfavourable climate, a foreign language, the peculiar usages and laws of India, and the manners of its inhabitants. Their studies, the disciplines of their education, their habits of life, their manners and morals, should therefore be so ordered and regulated as to establish a just conformity between their personal consideration and the dignity and importance of their public stations; and a sufficient correspondence between their qualifications and their duties. Their education should be founded in a general knowledge of those branches of literature and science, which form the basis of the education of persons destined to similar

occupations in Eupore ; to this foundation, should be added an intimate acquaintance with the history, languages, customs and manners of the people of India ; with the Mahomedan and Hindoo codes of law and religion ; and with the political and commercial interests and relations of Great Britain in Asia. They should be regularly instructed in the principles and systems which constitute the foundation of that wise code of regulations and laws, enacted by the Governor-General in Council, for the purpose of recurring to the people of this empire the benefit of the ancient and accustomed laws of the country, administered in the spirit of the British constitution. They should be well informed of the true and sound principles of the British constitution, and sufficiently grounded in the general principles of ethics, civil jurisprudence, the law of nations and general history, in order that they may be enabled to discriminate the characteristic differences of the several codes of law administered within the British empire in India ; and practically to combine the spirit of each in the dispensation of justice and in the maintenance of order and good government. Finally, their early habits should be so formed, as to establish in their minds such solid foundations of industry, prudence, integrity and religion, as should effectually guard them against those temptations and corruptions, with which the nature of this climate, and peculiar depravity of the people of India, will surround and assail them in every station, especially upon their first arrival in India. The early discipline of the service should be calculated to counteract the defects of the climate, and the vices of the people, and to form a natural barrier against habitual indolence, dissipation and licentious indulgence ; the spirit of emulation, in honourable and useful pursuits, should be kindled and kept alive by the continual prospect of distinction and reward, of profit and honour : nor should any precaution be relaxed in India,

which is deemed necessary in England, to furnish a sufficient supply of men qualified to fill the high offices of the state with credit to themselves and advantage to the public. Without such a constant succession of men in the several branches and departments of this government, the wisdom and benevolence of the law must prove vain and inefficient. Whatever course and system of discipline and study may be deemed requisite in England to secure an abundant and pure source for the efficient supply of the public service, the peculiar nature of our establishments in the East (so far from admitting any relaxation of those wise and salutary rules and restraints) demands that they should be enforced with a degree of additional vigilance and care, proportioned to the aggravated difficulties of the civil service, and to the numerous hazards surrounding the entrance of public life in India.

9. It is unnecessary to enter into any examination of facts to prove, that no system of education, study, or discipline, now exists either in Europe or in India, founded on the principles, or directed to the objects described in the preceding pages : But it may be useful in this place to review the course through which the junior civil servants of the East India Company now enter upon the important duties of their respective stations, to consider to what degree they now possess or can attain any means of qualifying themselves sufficiently for those stations, and to examine whether the great body of civil servants of the East India Company at any of the residencies, can now be deemed competent to discharge their arduous and comprehensive trusts in a manner correspondent to the interests and honour of the British name in India, or to the prosperity and happiness of our native subjects.

10. The age at which the writers usually arrive in India, is from sixteen to eighteen. Their parents or friends in England, from a variety of considerations, are

naturally desirous not only to accelerate the appointment at home, but to despatch the young man to India at the earliest possible period. Some of these young men have been educated with an express view to the civil service in India, on principles utterly erroneous, and inapplicable to its actual conditions; conformably to this error, they have received a limited education, confined principally to commercial knowledge, and in no degree extended to those liberal studies which constitute the basis of education of public schools in England: even this limited course of study is interrupted at the early period of 15 or 17 years.

11. It would be superfluous to enter into any argument to demonstrate the absolute insufficiency of this class of young men to execute the duties of any station whatever in the civil service of the Company, beyond the menial, laborious, unwholesome, and unprofitable duty of a mere copying-clerk. Those who have received the benefits of a better education, have the misfortune to find the course of their studies prematurely interrupted at the critical period when its utility is first felt, and before they have been enabled to secure the fruits of early application.

12. Both descriptions of young men, those whose education has been originally erroneous and defective, and those the early promise of whose studies has been unseasonably broken, once arrived in India, are equally precluded from the means, either of commencing a new and judicious course of study adapted to their own situation, or of prosecuting that course which had been unseasonably interrupted. Not only no encouragement is offered by the present constitution and practice of the civil service to any such pursuits, but difficulties and obstacles are presented by both, which render it nearly impossible for any young man, whatever may be his disposition, to pursue any systematic plan of study, either with a view to remedy

the defects, or to improve the advantages, of his former education.

13. On the arrival of the writers in India, they are either stationed in the interior of the country, or employed in some office at the presidency.

14. If stationed in the interior of the country, they are placed in situations which require a knowledge of the language and customs of the natives; or of the regulations and laws, or of the general principles of jurisprudence, or of the details of the established system of revenue, or of the nature of the Company's investment, or of many of these branches of information combined. In all these branches of knowledge, the young writers are totally uninformed; they are consequently unequal to their prescribed duties.

15. Positive incapacity is the necessary result of these pernicious habits of inaction; the principles of public integrity are endangered, and the successful administration of the whole government exposed to hazard. This has been the unhappy course of many who have conceived an early disgust, in provincial stations, against business to which they have found themselves unequal, and who have been abandoned to the effects of dishonesty and sloth.

16. Even the young men whose dispositions are the most promising, if stationed in the interior of the country at an early period after their arrival in India, labour under great disadvantages. They also find themselves unequal to such duties as require an acquaintance with the languages, or with the branches of knowledge already described. If intensely employed in the subordinate details of office, they are absolutely precluded from reviving any former acquirements, or from establishing those foundations of useful knowledge, indispensably necessary to enable them hereafter to execute the duties of important stations with

ability and credit ; harassed with the ungrateful task of transacting papers and accounts, or with other equally fatiguing and fruitless labours of a copying-clerk or index-maker, their pursuits of useful knowledge cannot be systematic, if attempted in any degree ; their studies must be desultory and irregular ; and their attention to any definite pursuit is still more distracted by the uncertainty of the nature of those employments to which they may hereafter be nominated. No course of study having been pointed out by public institution, no selection prescribed by authority, of the branches of knowledge appropriated to each department and class of the service ; diligence is lost for want of a guide ; and the most industrious are discouraged by the apprehension, that their studies may prove fruitless, and may frustrate instead of promoting their advancement in the public service.

17. When their rank in the service has entitled them to succeed to offices of importance, the current duties of those offices necessarily engross their whole attention. It is then too late to revert to any systematic plan of study, with a view to acquire those qualifications, of which, in the ordinary discharge of their official functions, they feel the hourly want.

19. All these descriptions of young men, upon their first arrival in India are now exposed to a disadvantage the most perilous which can be encountered at an early period of life. Once landed in India, their studies, manners, morals, expenses or conduct, are no longer subject to any degree of regulation or direction : no system is established for their guidance, improvement, or restraint ; no authority has been constituted with either the duty or power of enforcing any such system ; and they are abandoned at the age of sixteen or eighteen, with affluent incomes, to pursue their own inclinations, without the superintendence or controul of parent, guardian, or master, often without

a friend to advise or admonish, or even to instruct them in the ordinary details and modes of an Indian life...

25. Under all these early disadvantages, without rule or system to direct their studies; without any prescribed object of useful pursuit connected with future reward, emolument or distinction: without any guide to regulate or authority to control their conduct, or to form, improve, or preserve their morals; it is highly creditable to the individual characters of the civil servants of the East India Company, that so many instances have occurred in various branches and departments of the civil service at all the presidencies, of persons who have discharged their public duties with considerable respect and honour.

26. It has been justly observed, that all the merits of the civil servants are to be ascribed to their own characters, talents and exertions, while their defects must be imputed to the constitution and practice of the service, which have not been accommodated to the progressive changes of our situation in India, and have not kept pace with the growth of this empire, or with the increasing extent and importance of the functions and duties of the civil servants.

27. The study and acquisition of the languages have, however, been extended in Bengal and the general knowledge and qualifications of the civil servants have been improved. The proportion of civil servants in Bengal, who have made a considerable progress towards the attainment of the qualifications requisite in their several stations, appears great, and even astonishing, when viewed with early disadvantages, embarrassments, and defects of the civil service. But this proportion will appear very different when compared with the exigencies of the state, with the magnitude of these provinces, and with the total number of civil servants which must supply the succession to the great offices of the government. It must be admitted



that the great body of the civil servants in Bengal, is not at present sufficiently qualified to discharge the duties of the several arduous stations in the administration of this empire ; and that it is peculiarly deficient in the judicial, fiscal, financial and political branches of the government.

28. The state of the civil services of Madras and Bombay is still more defective than that of Bengal ; various causes have concurred to aggravate in an extreme degree, at both these presidencies, all the defects existing in the civil service of Bengal ; while many circumstances peculiar to these presidencies have favoured the growth of evils at present unknown in this.

31. That the civil or military service of the East India Company has supplied persons calculated to meet all the wonderful revolutions of affairs in India, is a circumstance not to be attributed to the original or peculiar constitution of either service at any period of time ; that constitution has undergone repeated alterations, at the suggestion and under the direction of the great characters which it has produced, and it has still been found answerable to every new crisis of an extraordinary nature. But it must never be forgotten, that the successive efforts of these eminent personages, and the final result of various revolutions and wars, have imposed upon the East India Company the arduous and sacred trust of governing an extensive and populous empire. It is true that this empire must be maintained in some of its relations, by the same spirit of enterprize and boldness which acquired it. But duty, policy, and honour require, that it should not be administered as a temporary and precarious acquisition ; as an empire conquered by prosperous adventure, and extended by fortunate accident, of which the tenure is as uncertain as the original conquest and successive extension were extraordinary : it must be considered as a sacred trust, and a permanent possession. In this view, its

internal government demands a constant, steady, and regular supply of qualifications, in no degree similar to those which distinguished the early periods of our establishment in India, and laid the foundations of our empire. The stability of that empire, whose magnitude is the accumulated result of former enterprise, activity and revolution, must be secured by the durable principles of internal order; by a pure, upright, and uniform administration of justice; by a prudent and temperate system of revenue; by the encouragement and protection of industry, agriculture, manufacture and commerce; by a careful and judicious management of every branch of financial resource; and by the maintenance of a just, firm, and moderate policy towards the native powers of India. To maintain and uphold such a system in all its parts, we shall require a succession of able magistrates, wise and honest judges, and skilful statesmen, properly qualified to conduct the ordinary movements of the great machine of government.

33. The early education of the civil servants of the East India Company is the source from which will ultimately be derived the happiness or misery of our native subjects; and the stability of our government will bear a due proportion to its wisdom, liberality, and justice.

34. From the preceding discussion, it appears, that the actual state of the Company's civil service in India is far removed from perfection or efficiency, and that the cause of this defect is to be found principally, if not exclusively, in the defective education of the junior civil servants, and in the insufficient discipline of the early stages of the service. The facts which have been reviewed in the course of this discussion, furnish the main principles on which an improved system of education and discipline may be founded, with a view to secure the important ends of such an institution.

The defects of the present condition of civil service may be comprised under the following heads :—

First, an erroneous system of education in Europe, confined to commercial and mercantile studies.

Secondly, the premature interruption of a course of study judiciously commenced in Europe.

Thirdly, the exposed and destitute condition of young men on their first arrival in India, and the want of a systematic guidance and established authority to regulate and controul their moral and religious conduct in the early stages of the service.

Fourthly, the want of a similar system and authority to prescribe and enforce a regular course of study, under which the young men upon their arrival in India, might be enabled to correct the errors or to pursue and confirm the advantages of their European education, and to attain a knowledge of the languages, laws, usages and customs of India ; together with such other branches of knowledge as are requisite to qualify them for their several stations.

Fifthly, the want of such regulations as shall establish a necessary and inviolable connection between promotion in the civil service, and the possession of those qualifications requisite for the due discharge of the several civil stations.

48. Under all these circumstances, the most deliberate and assiduous examination of all the important questions considered in this paper, determined the Governor General to found a collegiate institution at Fort William, by the annexed regulation.

49. This regulation comprises all the fundamental principles of the institution. The detailed statutes for the internal discipline and good government of the college, will be framed gradually as circumstances may require.

50. A common table and apartments are to be provided in the College, for all the civil servants who may be attached to the establishment,

51. The benefits of the establishment are extended to the junior civil servants of Fort St. George and Bombay, who will be directed to proceed to Fort William, as soon as the accommodations requisite for their reception shall have been provided.

59. While attached to the institution, the junior servants will have the most ample means afforded to them of completing the European branch of their education, or of correcting its defects; of acquiring whatever local knowledge may be necessary for that department of the service, in which (after mature reflection on their own inclinations and talents) they may determine to engage; of forming their manners, and of fixing their principles on the solid foundations of virtue and religion.

62. It is intended, that the allowance of every civil servant of less than three years' standing, being a student in the College, should be brought to one standard of three hundred rupees per month, without any allowance for a moonshy.

70. The reasons which induced the Governor-General to found the College without any previous reference to England were these; his conviction of the great immediate benefit to be derived from the early commencement even of the partial operation of the plan.

71. His experience of the great advantages which had been already derived by many of the young men from their attendance on Mr. Gilchrist, in consequence of the first experiment made on a contracted scale, with a view to a more extended institution.

72. His anxiety of imparting to the very promising young men, arrived from Europe within these last three years, a share of the advantages described in this paper; and his solicitude to superintend the foundation of the institution, and to accelerate and witness its first effects....

74. With regard to the funds for defraying the expense of the institution, the Governor-General does not intend, without the sanction of the Honourable Court of Directors, to subject the Company to any expense on account of the institution, beyond that which has already received their sanction, independently of the institution.

77. The expense of the institution will be provided for by a small contribution from all the civil servants in India, to be deducted from their salaries. This resource will probably be sufficient for all present purposes, with the addition of the fund now applied to the moonshies' allowance, and of the profits to be derived from a new arrangement of the government printing press.

78. The Governor-General has not deemed it proper, in the first instance, to subject the Company to any additional expense on account of the institution; the Honourable Court of Directors will however reflect, that this institution is calculated to extend the blessings of good government to many millions of people whom Providence has subjected to our dominion; to perpetuate the immense advantages now derived by the Company from their possessions in India; and to establish the British empire in India on the solid foundations of ability, integrity, virtue and religion. The approved liberality of the Honourable Court will therefore certainly be manifested towards this institution, to an extent commensurate with its importance.

81. The early attention of the Governor-General will be directed to the Mahomedan College founded at Calcutta and to the Hindoo College established at Benares. In the disorders which preceded the fall of the Mogul empire, and the British conquests in India, all the public institutions calculated to promote education and good morals were neglected, and at length entirely discontinued; the institutions at Calcutta and Benares, may be made the means of aiding the study of the laws and languages in the College

at Fort William, as well as of correcting the defective moral principles too generally prevalent among the natives of India.

82. An establishment of Moonshies and native teachers of the languages, under the control of the collegiate offices at Fort William, will be attached to the new College, and the young men will be supplied from the establishment, instead of being left (as at present) to exercise their own discretion in hiring such Moonshies as they can find in Calcutta or in the provinces.

90. The Governor-General means to recommend, that the Court of Directors should hereafter nominate all persons destined for the civil service at any of the Presidencies in India, to be Students of the College at Fort William; to each studentship (as has already been observed) will be annexed a salary of 300 rupees, together with apartments and a common table; it will be for the Honourable Court to decide, whether the ultimate destination of the student to the civil establishment of Bengal, Fort St. George or Bombay, shall be specified in the original appointment to the Studentship at the College of Fort William: it would certainly be more advantageous to the public service that no such appointment should be made in England, and that the ultimate destination of each Student should be determined in India under the authority of the government on the spot, according to the inclination and acquirement of the students respectively. The improved state of the Civil Service at Fort St. George, and the indispensable necessity of introducing the same improvements into the service at Bombay, will speedily render the civil service at each of those presidencies no less advantageous and respectable than that of Bengal.

91. The Governor-General highly applauds the wisdom of the late order of the Court regulating the rank of the Cadets for the artillery, according to the period of time

when they may be respectively reported to be qualified for commissions, under the institutions of the academy at Woolwich; it would be a most beneficial regulation to declare, that the rank of all students appointed to the College of Fort William, in the same season, should be regulated according to their respective progress in the prescribed studies of the college, and to the public testimonials of their respective merit, established according to the discipline and institutions of the college.

92. If the Court of Directors should approve the principles and objects of this institution, and should accordingly order the Governor-General to endow it with a rent charge upon the land revenue of Bengal and Mysore, it would be a gracious act to relieve the civil service in India from the tax which the Governor-General intends to impose on the public salaries for the support of the College. The tax will indeed be very light, but the Court of Directors may probably be of opinion that such an institution as the present ought to be supported, rather by the munificence of the sovereign of the country than by any diminution, however inconsiderable, of the established allowances of the public officers.

FORT WILLIAM,  
*August 18th, 1800.*

Sd/- WELLESLEY

## APPENDIX J

### REGULATION IX (1800)\*

A Regulation for the foundation of a College at Fort William in Bengal, and for the better instruction of the junior civil servants of The Honourable The English East India Company, in the important duties belonging to the several arduous stations to which they may be respectively destined in the administration of justice, in the general government of the British Empire in India, passed by the Governor General in Council on the 10th July, 1800.

“Whereas it hath pleased the Divine Providence to favour the counsels and arms of Great Britain in India with a continued course of prosperity and glory; and whereas, by the victorious issue of several successive wars, and by the happy result of a just, wise, and moderate system of policy, extensive territories in Hindostan, and in the Decan, have been subjected to the dominion of Great Britain; and under the government of The Honourable The English East India Company, in process of time a great and powerful empire has been founded, comprehending many populous and opulent provinces, and various nations, differing in religious persuasions, in language, manners, and habits, and respectively accustomed to be governed according to peculiar usages, doctrines and laws; and whereas the sacred duty, true interest, honour and policy, of the British nation require, that effectual provision should be made at all times for the good government of the British empire in India, and for the prosperity

\* Extract, Bengal Judicial Consultations, dated July 10, 1800, quoted in P. P., Vol. X of 1812-1813, pp. 18-21. Also Home Misc. No. 487 (I. O. R.), pp. 147-162,



and happiness of the people inhabiting the same ; and many wise and salutary regulations have accordingly been enacted from time to time by the Governor-General in Council, with the benevolent intent and purpose of administering to the said people their own laws, usages and customs, in the mild and benignant spirit of the British constitution : and whereas it is indispensably necessary, with a view to secure the due execution and administration of the said wise, salutary, and benevolent regulations in all time to come, as well as of such regulations and laws as may hereafter be enacted by the Governor-General in Council, that the Civil Servants of the Honourable The English East India Company, exercising high and important functions in the government of India, should be properly qualified to discharge the arduous duties of their respective offices and stations ; should be sufficiently instructed in the general principles of literature and science, and should possess a competent knowledge, as well of the laws, government, and constitution of Great Britain, as of the several native languages of Hindostan and the Decan ; and of the laws, usages and customs of the provinces which the said civil servants respectively may be appointed to govern : And whereas the early interruption in Europe of the education and studies of the persons destined for the civil service of the Honourable The English East India Company, precludes them from acquiring, previously to their arrival in India, a sufficient foundation in the general principles of literature and science, or a competent knowledge of the laws, government, and constitution of Great Britain ; and many qualifications, essential to the proper discharge of the arduous and important duties of the civil service in India, cannot be fully attained, otherwise than by a regular course of education and study in India, conducted under the superintendence, direction, and controul of the supreme authority of the government of these possessions :

And whereas no public institution now exists in India, under which the junior servants appointed at an early period of life to the civil service of The Honourable The East India Company, can attain the necessary means of qualifying themselves for the high and arduous trusts to which they are respectively destined; and no system of discipline or education has been established in India for the purpose of directing and regulating the studies of the said junior servants, or of guiding their conduct upon their first arrival in India, or of forming, improving, or preserving their morals, or of encouraging them to maintain the honour of the British name in India, by a regular and orderly course of industry, prudence, integrity and religion: The most Noble Richard Marquis Wellesley, Governor-General in Council, deeming the establishment of such an institution, and system of discipline, education, and study, to be requisite for the good government and stability of the British empire in India, and for the maintenance of the interests of The Honourable The English East India Company, his Lordship in Council hath therefore enacted as follows:

II. A College is hereby founded at Fort William in Bengal, for the better instruction of the junior civil servants of the Company in such branches of literature, science, and knowledge, as may be deemed necessary to qualify them for the discharge of the duties of the different offices constituted for the administration of the government of British possessions in the East Indies.

III. A suitable building shall be erected for the College, containing apartments for the superior officers, for the students, for a library, and for such other purposes as may be found necessary.

IV. The Governor-General shall be the Patron and Visitor of the College.

V. The members of the Supreme Council, and the Judges of the Sudder Dewanny Adawlut, and of the Nizamut Adawlut, shall be the Governors of the College.

VI. The Governor-General in Council shall be trustee for the management of the funds of the College; and shall regularly submit his proceedings in that capacity to the Honourable the Court of Directors.

VII. The Comptrolling Committee of Treasury shall be the Treasurers of the College.

VIII. The Accountant-General and Civil Auditor shall be respectively accountant and auditor of the accounts of the College.

IX. The Advocate-General and the Honourable Company's Standing Counsel, shall be the law officers of the College.

X. The immediate government of the College shall be vested in a Provost and such other officers as the Patron and Visitor shall think proper to appoint, with such salaries as he shall deem expedient. The Provost, Vice-Provost, and all other officers of the College, shall be removable at the discretion of the Patron and Visitor.

XI. The Provost shall always be a clergyman of the Church of England, as established by law.

XII. Every proceeding and act of the Patron and Visitor shall be submitted to the Honourable the Court of Directors, and shall be subjected to their pleasure.

XIII. The primary objects of the Provost shall be, to receive the junior civil servants on their first arrival at Fort William, to superintend and regulate their general morals and conduct, to assist them with his advice and admonition, and to instruct them in the principles of the Christian religion, according to the doctrine, discipline, and rites of the Church of England, as established by law.

XIV. The Patron and Visitor shall establish such professorships with such endowments as shall be judged proper.

XV. Professorships shall be established as soon as may be practicable, and regular courses of lectures commenced in the following branches of literature, science, and knowledge :

Languages : Arabic, Persian, Sanscrit, Hindoostanee, Bengali, Telinga, Mahratta, Tamul, Canara, Mahomedan Law, Hindoo Law, Ethics, Civil Jurisdiction, and the Law of Nations, English Law.

The Regulations and Laws enacted by the Governor-General in Council, or by the Governors in Council at Fort St. George and Bombay respectively, for the civil government of the British territories in India.

Political Economy, and particularly the commercial institutions and interests of the East India Company.

Geography and Mathematics:

Modern languages of Europe.

Greek, Latin and English Classics.

General History, Ancient and Modern.

The History and Antiquities of Hindoostan and the Decan. Natural History. Botany, Chemistry, and Astronomy.

XVI. The Patron and Visitor may authorise the same professor to read lectures in more than one of the enumerated branches of study, and may at any time unite or separate any of the said professorships or may found additional professorships in such other branches of study, as may appear necessary.

XVII. The Provost and Vice-Provost, after having remained in the government of the College for the complete period of seven years, and any professor after having read lectures in the College for the complete period of seven years, or of twenty-eight terms, and after having respectively received, under the hand and seal of the Patron

and Visitor, a testimonial of good conduct during that period of time, shall be entitled to an annual pension for life, to be paid either in Europe or in India, according to the option of the party.

XVIII. All the civil servants of the Company who may be hereafter appointed on the establishment of the Presidency of Bengal, shall be attached to the College for the first three years after their arrival in Bengal, and during that period of time the prescribed studies in the College shall constitute their sole public duty.

XIX. All the civil servants now on the establishment of the Presidency of Bengal, whose residence in Bengal, shall not have exceeded the term of three years, shall be immediately attached to the College for the term of three years, from the date of this regulation.

XX. Any of the junior civil servants of the Company in India, whether belonging to the establishment of this Presidency, or to that of Fort St. George, or of Bombay, may be admitted to the benefits of the institution by order of the Governor-General in Council, for such term, and under such regulations, as may be deemed advisable.

XXI. Any of the junior military servants of the Company in India, whether belonging to the establishment of this presidency, or that of Fort St. George, or of Bombay, may be admitted to the benefits of the institution by order of the Governor-General in Council, for such term, and under such regulations, as may be deemed advisable.

XXII. In the College at Fort William, four terms shall be observed in each year; the duration of each term shall be two months. Four vacations shall also be established in each year; the duration of each vacation shall be one month.

XXIII. Two public examinations shall be holden annually, and prizes and honorary rewards shall be publicly distributed by the Provost, in the presence of the

Patron and Governors, to such students as shall appear to merit them.

XXIV. Degrees shall be established, and shall be rendered requisite qualifications for certain offices in the civil governments of Bengal, Fort St. George, and Bombay ; and promotion in the civil service shall be the necessary result of merit publicly approved, according to the discipline and institutions of the College.

XXV. Statutes shall be framed by the Provost of the College, under the superintendence of the Governors of the College, respecting the internal regulation, discipline and government of the College ; but no Statute shall be enforced until it shall have been sanctioned by the Patron and Visitor. The statutes so sanctioned shall be printed, according to a form to be prescribed by the patron and visitor.

XXVI. The Patron and Visitor shall be empowered at all times, of his sole and exclusive authority, to amend or abrogate any existing statute, or to enact any new statute from the regulation, discipline and government of the College.

XXVII. A regular statement of all salaries, appointments, or removals of the officers of the College, shall be submitted by the Patron and Visitor of the College at the expiration of each term, to the Governor-General in Council, and by the Governor-General in Council to the Honourable Court of Directors ; printed copies of Statutes enacted by the Patron and Visitor shall also be submitted to the Governor-General in Council and to the Honourable the Court of Directors, at the same periods and time, and in the same manner.

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17	footnote (8 from bottom)	evel	level
23	16	himself	themselves
24	3 from bottom	factory	factors
25	footnote (3 from bottom)	A Calendar	Calendar
30	footnote	....	1, before the footnote
31	last	annum 1,	annum 2,
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32	1	till death	till by death
32	footnote (1st line)	A Calendar	Calendar
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